

ספר

נוראות הרב

חלק תשיעי

שיעורים על הלכות סליחות, שופר ולולב

ודרשות על עניני סליחות וראש השנה

מאת מרן רבנו יוסף דוב הלוי סלובייציק זצלה"ה

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Preface

Included in this volume are two *Shiurim* dealing with the ימים נוראים and סוכות, and two *Drashos*, dealing with סליחות and ראש השנה. These were delivered by Rabbi Joseph B. Soloveitchik *Zt"l* (reverently referred to as the Rav, by his countless students and admirers), in 1959, 1969, 1971 and 1978, respectively. My objective is to publish, in readable form, my reconstruction of the *Shiur* on *Lulav* and my translation from *Yiddish* of the *Shiur* on ימים נוראים, as well as my impressions of the *Drashos*.

I have divided the *Shiurim* and the *Drashos* into numbered paragraphs, and provided them with appropriate headings. A Table of Contents of the headings is found at the beginning of this volume. I have retained the use of the first person in the *Drashos* in order to preserve its warm and personal flavor.

In response to suggestions from readers, I have translated all citations from the *Talmud* and the Commentaries, as well as terms of art employed therein. These translations appear in italics. The translations are generally not literal. In addition, parenthetical comments made by the Rav and my suggestions for further references, appear as footnotes at the bottom of each page. Since one of the *Drashos* contains an exhaustive explanation of Chapter 24 of *Tehillim*, namely, לדוד מזמור, I have appended that Chapter from the Judaic Archives CD-Rom. I have also appended the First and Sixth Chapters of רמב"ם הלכות יום טוב, which are referred to in the *Shiur* dealing with the role of *Lulav* on the second day of *Succos*.

I am most grateful to the following individuals who invested enormous amounts of time and effort in typing and formatting this work: Faige (Klein) Friedman, Suti Friedman, Baila Schreiber, Malky Salomon, and Edel Streicher.

I also wish to express my gratitude to various students of the Rav, whose modesty precludes them from seeking public recognition, for providing me with many helpful suggestions on this work and the prior works.

I cannot adequately express my boundless appreciation to both my father, Dr. Aaron Schreiber, and my mother, Mrs. Rivka Schreiber. My parents invested so many countless hours on my *Torah* education, that it is impossible for me to ever begin to repay them.

In the *Drasha*, as well as on numerous other occasions, the Rav spoke glowingly of his childhood מלמד, and the profound influence which that מלמד exerted on him. I have, therefore, annexed to this Volume a letter written by the Rav to Rabbi Dovber Rivkin *Zt"l* in which he discusses this unusual individual. I am indebted to his son, Rabbi Sholom Rivkin, *Shlita*, for providing me with a clear copy thereof.

The audiocassettes for the *Shiurim* and the *Drashos* were supplied by Mr. Milton Nordlicht, who, single handedly, has collected and disseminated hundreds of audio tapes

of the Rav. I urge all readers, who have audio cassettes of the Rav, to contact him at (718) 261-7770, and provide him with copies of their cassettes.

Finally, I must express my admiration and gratitude to my wife, Ricki, for her constant support in all of my endeavors, and to my children, Baila, Yitzy and Naomi, who graciously sacrificed their quality time to allow me to prepare this work.

Since this transcription reflects my limited understanding of the *Shiurim* and the *Drashos*, I implore all readers to attribute any errors or omissions to me.

I was most encouraged by the overwhelming reception accorded to the eight prior volumes of נראות הרב, and hope that this volume will be similarly received. The beauty of all the *Shiurim*, now in its 9th Volume, is that one develops a love for the Rav's *Torah*, especially by studying the recurring themes that re-enforce prior *Shiurim*. It allows the student/reader the opportunity to enhance his understanding of the Rav's fundamental thought processes.

It is my foremost hope that I have portrayed the *Shiurim* and the *Drashos* in the best possible light, and that I be able to release *Drashos* and *Shiurim* of the Rav in the very near future.

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Table of Contents
שיעור על הלכות ומנהגי סליחות ותקיעת שופר
אלול תשי"ט

Paragraph		Page
1	Introduction.	1
2-3	The origin of <i>Selichos</i> .	1
4-5	<i>Selichos</i> is recited on all days dedicated to <i>Teshuvah</i> .	4
6-7	<i>Chazal</i> authored the <i>Tefillos</i> based upon the precedents established by the אבות.	5
8-9	The original <i>Tefillos</i> contained fragments from כתבי הקודש.	6
10-11	The סדר סליחה permits the recitation of a private <i>Tefillah</i> not authored by the הגדולה.	7
12-14	The structure of <i>Selichos</i> mirrors that of <i>Shemoneh Esrei</i> since <i>Selichos</i> is classified as a <i>Shemoneh Esrei</i> .	8
15	The י"ג מידות comprise the central motif of <i>Selichos</i> .	11
16-20	<i>Selichos</i> is comprised of three components: <i>Passukim</i> , וידוי and petition.	12
21-24	The <i>Mitzvah</i> of <i>Shofar</i> requires intent by both the תוקע and the congregants.	14
25	The required length of the תרועה.	17
26	<i>Rashi</i> maintains that each יבבא is the equivalent of one regular note.	18
27	The ריבי"א maintains that each יבבא is comprised of three notes.	18

28-30	The timing of the notes.	19
31	The גר"ח suggested that numerous שברים be produced.	20
32	A clear sound is not indispensable.	21
33	The requirement that the שברים תרועה be blown in one breath.	21
34-37	According to <i>Rabbeinu Tam</i> the שברים תרועה must be produced in two breaths since they constitute two different sounds.	22
38-40	The origin of the תקיעות דמיושב.	25
41-42	One may not converse between the תקיעות דמעומד and the תקיעות דמיושב.	26
43-44	The difference between זכרון תרועה and יום תרועה.	28
45-47	One should remain standing during the entire חזרת הש"ץ of the <i>Mussaf Shemoneh Esrei</i> .	29
48	One must hear each word of the חזרת הש"ץ.	31
49-50	The ש"ץ should recite the entire <i>Bracha</i> of הודאה aloud after the ציבור has completed the recitation of מודים דרבנן.	31
51	The conclusion of the <i>Bracha</i> of שלום should not be altered.	32
52-53	The conclusion of the <i>Bracha</i> of עבודה should not be altered during the חזרת הש"ץ.	33
54-55	The different names of the Holiday of <i>Rosh Hashanah</i> .	34
56-59	The meaning of יום הזכרון.	35
60-62	The identity of the <i>Kedushas Hayom</i> of <i>Rosh Hashanah</i> .	38
63-65	The <i>Kedushas Hayom</i> of <i>Rosh Chodesh</i> is subsumed under that of <i>Rosh Hashanah</i> .	40

66-67	The <i>Kedushas Hayom</i> of <i>Rosh Hashanah</i> expresses itself with מלכיות.	42
68-71	The tripartite structure of the <i>Bracha</i> of מלכיות, זכרונות, ושופרות.	43
72-76	The role of the tenth <i>Passuk</i> cited in the <i>Brachos</i> of מלכיות, זכרונות, ושופרות.	46
77-79	The rationale behind <i>R' Akiva's</i> question that nine <i>Passukim</i> be recited within the <i>Bracha</i> of מלכיות.	48
80-85	According to <i>R' Yochanan Ben Nuri</i> , the <i>Bracha</i> of מלכיות did not contain any petitional components.	50
86-90	The mysterious gesture of the <i>Shofar</i> arouses the נשמה פנימית.	53
91	The נשמה פנימית can only express <i>Teshuvah</i> through the medium of sound, and not through speech.	57

Table of Contents
רעיונות על מלכיות, זכרונות, ושופרות
אלול, תשל"א

Paragraph		Page
1	Introduction.	61
2	The first definition of מלכיות denotes that G-d is the origin of existence.	61
3	The second definition of מלכיות denotes G-d's ownership of the world.	62
4-8	The <i>Passuk</i> of לה' הארץ ומלואה reflects the third concept of מלכיות that the universe is consecrated to G-d.	62
9-11	The <i>Passuk</i> of נקי כפיים ובר לבב expresses that only one who complies with the moral law may dwell in G-d's world.	65
12	The <i>Bracha</i> of מלכיות reflects the notion that G-d's sovereignty is still not realized by mankind.	66
13	Unlike man, nature complies with the rule of G-d.	68
14-16	Man, as a spiritual being, seeks to rebel against G-d's moral law.	69
17-18	The sin of the עץ הדעת was that man attempted to usurp the moral code.	71
19	The <i>Brachos</i> of מלכיות and שופרות reflect the methods envisioned by <i>Yahadus</i> to reconcile man with G-d.	72
20-22	The vision of מלכיות is that man, on his own, will ultimately recognize G-d.	73
23-27	The vision of שופרות is that G-d will reveal himself to man.	75
28	The second vision is also expressed in the Paragraphs of ובכן תן פחדך.	77

29-31	יראה denotes paralyzing fear, while פחד portrays intelligent concern.	78
32	The Psalm of מזמור ללוד relates man's struggle to escape from G-d.	80
33-34	The difference between שער and פתח.	81
35	Man achieves dignity only through G-d.	82
36-37	Man who struggles against G-d is doomed to disaster.	83
38-39	<i>Yahadus</i> wants man to accept G-d voluntarily.	84
40	<i>Yahadus</i> stresses the pleasure which man obtains by being close to G-d.	86
41	אהבת השם is realized by experiencing the presence of G-d.	87
42	זכרונות expresses both the universal and the Jewish motifs.	89
43-44	The <i>Bracha</i> of זכרונות reflects G-d's will to be acknowledged by man.	90
45	The <i>Bracha</i> of זכרונות establishes G-d's omniscience.	92
46	The difference between תעלומה and נסתר.	93
47	G-d knows man's subconscious mind.	94
48-50	The <i>Bracha</i> of זכרונות relates that man is judged for his thoughts, as well as for his deeds.	95
51-52	The <i>Bracha</i> of זכרונות describes that even minutia were planned by G-d.	96

Table of Contents
דרשה על אמירת סליחות
אלול תשי"ט

Paragraph		Page
1-5	The Paragraph of א-ל ארך אפים contains the sinner's petition that he be permitted to approach G-d.	99
6-8	The Paragraph א-ל מלך יושב סליחה ומחילה contains the petition for סליחה ומחילה.	101
9-11	The <i>Haftorah</i> assigned to <i>Yom Kippur</i> contains G-d's promise of forgiveness, and mirrors the Paragraph of א-ל ארך אפים.	102
12	The attribute of ארך אפים is employed while G-d waits for the sinner to repent.	103
13-14	The attribute of חסד is employed when G-d forgives the sinner.	104
15-18	The sinner must abandon his sinful thoughts as well.	104

Table of Contents
שיעור בהגדרת מצות לולב ביום טוב שני של גליות
ניסן, תשכ"ט

Paragraph		Page
1-2	The scope of the <i>Mitzvos</i> of ולקחתם and ושמחתם.	109
3-5	The <i>Rambam</i> maintains that פסולי ראשון are acceptable on יום טוב שני של גליות.	111
6-10	The גר"מ ז"ל theorized that on גליות של יום טוב שני של גליות, both the <i>Kiyum</i> of ולקחתם and that of ושמחתם are realized.	113
11	בזמן הראיה, the <i>Kiyum</i> of ושמחתם was not obtained definitively on יום טוב שני של גליות.	115
12-13	Nowadays, the <i>Kiyum</i> of ושמחתם is definitively obtained on יום טוב שני של גליות.	116
14-16	פסולי ראשון should be avoided on יום טוב שני של גליות because of the <i>Kiyum</i> of ולקחתם imposed on that day.	118
17-19	According to the Rav, the <i>Kiyum</i> of ולקחתם is not obtained on יום טוב שני של גליות.	120
20-21	The <i>Rambam</i> maintains that, nowadays, both days of <i>Yom Tov</i> enjoy a definitive <i>Kedushas Hayom</i> .	122
22-23	The מלאכה of תקנה בידים enjoins מנהג אבותיכם and requires the performance of <i>Mitzvos</i> .	123

24-27	The <i>Sfere</i> infers that the principle of <i>boza moteret boza</i> has been suspended nowadays.	124
28-29	The rule of <i>boza moteret boza</i> , is not based upon the premise that one of the days is <i>chol</i> .	127
30-31	The phrase <i>sheti kedusot</i> reflects that both days are provided with a different <i>bin hashmosot</i> for <i>muqצה</i> purposes.	129
32-37	The distinction between <i>Rosh Hashanah</i> and the two days of <i>Yom Tov</i> .	130
38-39	The consequences of <i>halil hashni</i> vary depending on the nature of the <i>safek</i> imposed.	133
40-49	According to the <i>Rambam</i> <i>halil sheni</i> did not institute a separate <i>tequna</i> to take the <i>Lulav</i> on <i>shnei galuyot</i> .	134
50	The <i>Kedushas Hayom</i> of <i>shnei galuyot</i> is suspended with respect to the <i>Mitzvah</i> of <i>mitim</i> .	140
51-53	The two imperatives to remember the glory of the <i>Bais Hamikdash</i> , as well as its destruction.	141
54-55	The <i>Kiyum</i> of <i>usmachtem</i> differs from the <i>Kiyum</i> of <i>ulqachtem</i> .	143
56-58	In certain <i>Mitzvos</i> , the <i>me'ese hamצה</i> is commensurate with the <i>kiyom hamצה</i> .	144
59-62	The <i>tequna</i> of <i>R' Yochanan Ben Zakkai</i> was that the Jew must experience the sensation of being <i>l'pnei hi</i> wherever he resides.	146

תנ"ך, תהלים פרק כד
פרק כד
פסוק א
לדוד מזמור לידוד הארץ ומלואה תבל וישבי בה:

פסוק ב
כי הוא על ימים יסדה ועל נהרות יכוננה:

פסוק ג
מי יעלה בהר ידוד ומי יקום במקום קדשו:

פסוק ד
נקי כפים ובר לבב אשר לא נשא לשוא נפש(נפשו)
ולא נשבע למרמה:

פסוק ה
ישא ברכה מאת ידוד וצדקה מאלקי ישעו:

פסוק ו
זה דור דרשו מבקשי פניך יעקב סלה:

פסוק ז
שאו שערים ראשיכם והנשאו פתחי עולם:

פסוק ח
ויבוא מלך הכבוד:

פסוק ט
מי זה מלך הכבוד ידוד עוזו וגבור ידוד גבור מלחמה:

פסוק י
שאו שערים ראשיכם ושאו פתחי עולם ויבא מלך
הכבוד:

פסוק יא
מי הוא זה מלך הכבוד ידוד צבאות הוא מלך הכבוד
סלה:

שיעור על הלכות ומנהגי סליחות ותקיעת שופר
אלול, תשי"ט
מאת הגרי"ד הלוי סלובייציק זצלה"ה
נרשם ונערך על ידי ברוך דוד שרייבר

INTRODUCTION.

(1) In this *Shiur*, the Rav described various *Halachos* of many of the essential *Mitzvos* performed during the ימים נוראים. The *Shiur* is replete with the Rav's customs and observations, as well as his insights into the origin of many of those *Mitzvos*. He noted that the laws of *Rosh Hashanah* and *Yom Kippur* are very complex and reflect the philosophical underpinnings of the קדושת היום of those days.

THE ORIGIN OF SELICHOS.

(2) It is difficult to ascertain the precise date on which *Selichos* originated. The *Rambam* apparently maintains that the custom of reciting *Selichos* originated in antiquity. He writes:

ונהגו כולם לקום בלילה בעשרה ימים אלו (מראש השנה עד יום הכיפורים) ולהתפלל בבתי כנסיות בדברי תחנונים ובכיבושין עד שיאור היום (פ"ג מהלכות תשובה ה"ד).
It is customary for all to arise each night of the ten days between Rosh Hashanah and Yom Kippur and pray in the Synagogue until daybreak.

Similarly, this custom is also mentioned by many *Gaonim*.¹ The Rav added that although *Selichos* is not mentioned in the *Gemara*, it certainly was practiced by the אמוראים. He noted that there are many customs that are not mentioned in the *Gemara* even though they were performed by Jews during that period. The *Gemara* is a compendium of תורה שבעל פה, and not a compilation of *Minhagim*.

¹ See, e.g., רא"ש למסכת ראש השנה פ"ד סימן י"ד (דף מ' ע"א).

For example, the custom to blow *Shofar* from and after ראש חודש אלול was practiced in the days of the אמוראים even though it is not mentioned in the *Gemara*. That custom is first mentioned in the פרקי דרבי אליעזר who attributes it to the חכמים הראשונים.²

Similarly, the *Minhag* in the Diaspora to place a *Sefer Torah* on the בימה on each day of *Succos*, while the congregants circle the בימה carrying the *Lulav* and *Esrog*, is not mentioned in the *Gemara*. The *Gemara* only mentions the *Halacha* of circling the מזבח with the *Lulav*.³ Nonetheless, that *Minhag* is mentioned in the *Medrash*⁴ as well as in the *Rambam*.⁵ Likewise, the *Gemara*⁶ prescribes that the Chapter of שלמה אל המלך be read as the *Haftorah* on *Simchas Torah*. Nowadays, however, the first Chapter of *Yehoshua* is read. This is not because the *Gemara's* prescription was overridden. Rather, there were two prevailing *Minhagim* with respect to the appropriate *Haftorah* to be read on *Simchas Torah*. One *Minhag* suggested that the Chapter of שלמה אל המלך be read, while the other *Minhag* suggested that the first Chapter of *Yehoshua* be read. In the days of the *Gemara* the first *Minhag* was more prevalent, while nowadays, the latter *Minhag* has been adopted.

Similarly, the *Minhag* to read תלתא דפורענותא in the three weeks between י"ג בתמוז and *Tisha B'av* as well as the שבעה דנחמתא in the seven weeks between *Tisha*

² See פרק מ"ו. The authorship of the פרקי דרבי אליעזר is a matter of controversy. However, it was certainly written after the Seventh Century (C.E.).

³ See מסכת סוכה דף מ"ה ע"א.

⁴ See ילקוט תהילים סימן תשי"ג.

⁵ See פרק ז' מהלכות לולב הלכה כ"ג.

⁶ See מסכת מגילה דף ל"א ע"א ותוספות ד"ה למחר.

⁷ See מלכים א': ח', ב'.

B'av and *Rosh Hashanah* is an ancient *Minhag*, which, while mentioned in the פסיקתא,⁸ authored during the time of the *Gemara*, is not explicitly mentioned in the *Gemara*.

In conclusion, there are many *Minhagim* which are either not mentioned in the *Gemara* or, if mentioned in the *Gemara*, were the object of other conflicting *Minhagim*. Moreover, many of these conflicting *Minhagim* were later accepted to the exclusion of those prescribed by the *Gemara*.

(3) *Selichos* is one of those *Minhagim* which originated in the times of the *Gemara* but which is not explicitly mentioned in the *Gemara*. However, *Selichos* is alluded to in the *Gemara*:⁹

אמר ר' יוחנן ויעבור ה' על פניו ויקרא, אלמלא מקרא כתוב אי אפשר לאמרו. מלמד שנתעטף הקב"ה כשליח ציבור והראה לו למשה סדר תפילה. אמר לו כל זמן שישראל חוטאין יעשו לפני כסדר הזה ואני מוחל להם.¹⁰

R' Yochanon remarked that had the Passuk not expressed it, it would sound like blasphemy. We learn that G-d wrapped himself in a Tallis, the way a Cantor wraps himself in a Tallis (i.e. G-d was completely enveloped by the עמוד העץ). G-d demonstrated to Moshe the order of recitations of prayers. He told Moshe that whenever the Jews will sin and will be ready for repentance, they should pray in accordance with this order, with these rules, and G-d will forgive them.

⁸ Cited in תוספות מסכת מגילה דף ל"א ע"ב ד"ה ראש חודש אב.

⁹ See מסכת ראש השנה דף י"ז עמוד ב'.

¹⁰ Apparently, *R' Yochanan* defines the words ועבר ה' על פניו ויקרא as *G-d passed over and enveloped G-d's countenance with a Tallis* (i.e. The פניו refers to G-d's countenance and not to Moshe's countenance.) See 239 עמוד ו' חלק ו' עמוד 239.

Similarly, the תנא דבי אליהו זוטא states¹¹:

היה דוד יודע שעתיד בית המקדש להיות חרב בעונותיהן של ישראל והיה מצטער על ישראל ואמר: בשעה שהצרות בא לישראל בעונותיהם, מי מכפר עליהם? אמר הקב"ה לדוד: אל תצטער שכבר גיליתי סדרי סליחה למושה, ואמרתי לו שהצרות באים על ישראל, יעמדו לפני יחד באגודה אחת ויאמרו לפני סדר סליחה¹².

King David knew that the Bais Hamikdash would be destroyed because of the Jews' sins. He asked G-d how will the Jews receive expiation? G-d told him that He had already revealed to Moshe the method of obtaining expiation. Whenever Jews are in distress, they should come together as a group and recite Selichos.

SELICHOS IS RECITED ON ALL DAYS DEDICATED TO TESHUVAH.

(4) One can infer from the *Gemara* that the obligation to recite *Selichos* arises whenever Jewish people repent from their sins (כל זמן שישראל חוטאין). Of course, the *Mitzvah* of *Teshuvah* is a constant *Mitzvah*; it is not limited to any specific occasion. However, there are certain times when *Teshuvah* is more appropriate, such as during the עשרת ימי תשובה and on any תענית ציבור imposed on the community. On such days, one's *Teshuvah* is more acceptable to G-d,¹³ as the *Rambam* writes¹⁴:

מצות עשה לזעוק בעת צרה...ודבר זה מדרכי התשובה...שבגלל מעשיהם הרעים הורע להן...

There is a special imperative to appeal to G-d in times of distress. This appeal is a facet of the imperative of repentance...and to acknowledge that the distress arises as a result of their evil deeds...

In other words, fasting on a תענית ציבור promotes *Teshuvah*. The ultimate purpose of the תענית ציבור is not the mere abstention from food. A תענית is instituted to facilitate *Teshuvah* and repentance. Similarly, the עשרת ימי תשובה are days devoted to *Teshuvah*. Thus, insofar as *Selichos* is the מעשה מצוה של תשובה (i.e. *it is the physical*

¹¹ פרק כ"ג.

¹² Interestingly, the text of the תנא דבי אליהו זוטא reads סדר סליחה, unlike the text of the *Gemara* (ibid) which reads תפילה. This will be expounded infra.

¹³ See רמב"ם פרק ב' מהלכות תשובה הלכה ו'; מסכת ראש השנה דף י"ח עמוד א'.

expression of *Teshuvah*), it is appropriate to recite *Selichos* during the עשרת ימי תשובה and on a תענית צבור.

(5) Interestingly, as noted by the *Rambam*, *Selichos* was originally instituted in respect of the עשרת ימי תשובה, commencing with *Rosh Hashanah*. In the time of the *Gaonim*, the practice was to recite ten full days of *Selichos*, including *Rosh Hashanah*, שבת טובה, *Erev Yom Kippur* and *Yom Kippur*. The *Gaonim* stressed that even though, generally, one is not permitted to fast on *Shabbos*, nonetheless, since G-d's presence is closer to the Jews during the עשרת ימי תשובה it is appropriate to fast on שבת טובה and to recite *Selichos*. The *Minhag* later evolved not to recite *Selichos* on *Rosh Hashanah*, שבת טובה, *Erev Yom Kippur* and on *Yom Kippur*. Thus, four days were deleted from the original framework of reciting *Selichos* for ten days. The *Minhag* therefore evolved to commence the recitation of *Selichos* four days prior to *Rosh Hashanah* so that *Selichos* would still be recited for ten days.

CHAZAL AUTHORED THE TEFILLOS BASED UPON THE PRECEDENTS ESTABLISHED BY THE אבות.

(6) What do the words סדר סליחה, or, as *R' Yochanan* says, סדר תפילה, mean? What was the great secret that G-d revealed to *Moshe* when He taught him the סדר סליחה? Moreover, why was it necessary for G-d to envelop Himself in a *Tallis* and demonstrate to *Moshe* the סדר סליחה? Isn't the *Mitzvah* of *Tefillah* already established in the *Torah*? What then did G-d teach *Moshe* that isn't already contained in other portions of the *Torah*? Finally, why is it that the תנא דבי אליהו זוטא denominates *Selichos* as סדר סליחה, while the *Gemara* denominates it as סדר תפילה?¹⁵

¹⁴ See *Rambam* פרק אי מהלכות תענית הלכה ב'.

¹⁵ The question is even more puzzling given that *Tefillah* is often referred to as a שיח, a *dialogue*,

(7) The Rav answered that prayer, in general, is paradoxical and irrational. According to pure logic, lowly man should not have the right to approach G-d with his petty petitions. How can mortal man ever gain the courage to approach the immortal G-d, the King of Kings? *Chazal* never answered this question, although they did point out that there is a precedent for prayer. They said: תפילות אבות תקנום, *the prayers were established by our forefathers, Avraham, Yitzchok, and Yaacov.*¹⁶ Apparently, it is not presumptuous of man to pray. On the contrary, it is ennobling and desirable.

THE ORIGINAL TEFILLOS CONTAINED FRAGMENTS FROM כתבי הקודש.

(8) Since *Chazal* did not comprehend the rationale for prayer, they utilized *Passukim* from *Tanach* as the exclusive text of *Tefillah*. They were fearful of inserting any words in the *Tefillah* which were not contained in the כתבי הקודש. Moreover, *Chazal* instituted a structure for *Tefillah* that commences with the recitation of פסוקי דזמרה, *praises of G-d*, contained in *Tehillim*.¹⁷ They felt that a person could not approach G-d until after he had recited G-d's praise contained in *Tehillim*. In fact, *Chazal* did not understand how it was possible for man to even offer praise to G-d, but since *David Hamelech* did offer such praise in the *Sefer Tehillim*, they, too, incorporated those very words in the standard text of *Tefillah*.

Chazal were so meticulous about the text of the *Tefillah* that they penalized anyone who even minutely deviated from the prescribed text (e.g. by reciting ותן טל ומטר

between man and G-d. In פרק ז' מהלכות יסודי התורה, the *Rambam* describes at length the qualities that one must enjoy in order to obtain נבואה. These many attributes are not found in most people; yet, even the most lowly and coarse of men have the obligation to engage in prayer and establish a dialogue with G-d. What, then, is so special about *Selichos*?

¹⁶ See מסכת ברכות דף כ"ז ע"ב.

¹⁷ פסוקי דזמרה is comprised, almost exclusively, of תהילים, since זוד המלך was classified as זמירות נעים. See שמואל ב': כ"ג, א. *Rashi* comments on that *Passuk* that G-d promised זוד המלך that all praises offered by Jews in subsequent generations would be cited exclusively from his works. [Editor's Note]

during the summer time) by requiring him to repeat the entire text. *Chazal* also limited *Tefillah* to three times a day.¹⁸ Thus, *Tefillah* may be offered only in the prescribed manner and during the designated times.

(9) This leads to a seemingly peculiar rule. When someone is in special need, for example, if one's relative takes ill, he may pray for recovery in one of two ways. He may either mention the relative in the general *Bracha* of רפאינו contained in the *Shemoneh Esrei*, which includes a prayer that all sick people be cured, or, he may recite *Tehillim*. He may not offer his own prayers to G-d, since he lacks the vocabulary and the text to formulate his own prayers.

THE סדר סליחה PERMITS THE RECITATION OF A PRIVATE TEFILLAH NOT AUTHORED BY THE אנשי כנסת הגדולה.

(10) Thus, the only exception to this rule and the only occasion on which Jews offer their own prayers, is the recitation of *Selichos*. Interestingly, *Selichos* are not recited during the same times as the other *Tefillos*. *Selichos* are recited either באשמורת הבוקר, in the early portions of the morning, or after חצות הלילה, midnight. *Selichos*, comprised of תחנון and בקשה, represents the only exception to this rule and the only occasion on which communities will come together and offer prayers, other than those contained in *Tehillim* or authored by the אנשי כנסת הגדולה. Even the פיוטים authored throughout the ages could not be recited independently. They were incorporated within the text of the *Brachos* of *Shema* or within the *Shemoneh Esrei*. *Selichos* is the only set of prayers offered outside the context of the standardized text.

¹⁸ Interestingly, the *Tefillos* were authored by the אנשי כנסת הגדולה, who the *Gemara* (*Megillah* 14a) defines as an Assembly comprised of 120 Rabbis and Prophets. It was necessary that there be Prophets among this Great Assembly, since they could not institute *Tefillah* as a daily imperative until they were

(11) This, then, is the *Gemara's* innovation. The *Gemara* teaches us that the custom of reciting *Selichos* and of breaking with tradition by offering private prayer, originates with the סדר סליחה presented by G-d. It is a היתר אמירה.

In other words, the secret of the סדר סליחה is that it serves as the exception to the rule against private prayer. During the עשרת ימי תשובה and on other ציבור תעניות, *Selichos* may be recited.

THE STRUCTURE OF SELICHOS MIRRORS THAT OF SHEMONEH ESREI SINCE SELICHOS IS CLASSIFIED AS A SHEMONEH ESREI.

(12) *Selichos* commences with the Chapter of אשרי יושבי ביתך. Why was אשרי introduced prior to the recitation of *Selichos*? What is the connection between אשרי and *Selichos*?

The Rav answered that *Chazal* instituted *Selichos* as a quasi *Shemoneh Esrei*. In addition to the *Shemoneh Esrei* generally recited three times a day, *Chazal* instituted a fourth *Shemoneh Esrei* to be recited during the עשרת ימי תשובה. This fourth *Shemoneh Esrei* is termed *Selichos*.

אשרי is a component of *Tefillah*. The *Gemara* states:¹⁹

אין עומדין [להתפלל] אלא מתוך שמחה של מצוה.
One should not pray unless he is in the joyous mood generated by the performance of a Mitzvah.

Rashi explains that one must commence his prayers by first offering דברי שבח ותנחומין, *praise and comfort*, as is commonly found in the Chapter of אשרי. In other words, the obligation to recite אשרי prior to *Tefillah* is predicated on the requirement that petition and *Tefillah* must be preceded by words of praise. In *Shacharis* and *Maariv*, this rule is

instructed to do so through נבואה. Thus, *Tefillah* could be introduced among Jews only through נבואה and רוח הקודש.

satisfied with the recitation of the *Brachos* of *Krias Shema* and by *Krias Shema*. However, with respect to *Mussaf* and *Minchah*, where the *Tefillah* is not preceded by any *Brachos*, אשרי is recited to conform with this rule. Of course, דברי שבת must be comprised only of *Passukim* of the קודש כתבי. One can not merely bang on G-d's door without first reciting דברי שבת, and it is inappropriate for one to use his own words. One must employ the words of the קודש כתבי.²⁰ Similarly, אשרי is recited prior to the commencement of *Selichos* so as to introduce the דברי שבת to the quasi *Shemoneh Esrei* consisting of *Selichos*.

The Rav inferred that *Selichos* was introduced as a *Shemoneh Esrei* by virtue of the various prayers recited at the commencement and conclusion of *Selichos*. For example, חצי קדיש is recited immediately after אשרי and prior to *Selichos*, just as חצי קדיש is recited after אשרי and prior to the *Shemoneh Esrei* of *Minchah*. Likewise, תחנון is recited at the conclusion of *Selichos*, even though, generally, תחנון is regarded as the concluding act of *Shemoneh Esrei*.²¹ Finally, קדיש תתקבל is recited following *Selichos*.²² קדיש תתקבל, which is a prayer that the *Shemoneh Esrei* be accepted by G-d, is generally recited only following *Shemoneh Esrei*. It is not recited on any other occasion.

¹⁹ See מסכת ברכות דף ל"א ע"א.

²⁰ The Rav was very opposed to modern day Rabbis who offered their own prayers. The text of all prayers should be exclusively derived from the *Siddur* and the *Machzor*. Only those *Tefillos* authored by the great scholars of the אנשי כנסת הגדולה and the פייטנים, may be recited.

²¹ Interestingly, the תחנון following *Selichos* may be recited even at nighttime. This serves as an exception to the general rule that אין נופלין על אפים בלילה.

²² See שיעורי הגרי"ד (אלול, תשכ"ה) עמוד 19 (בהעתקת רב צבי שטר שליט"א), where the Rav stated that the components of *Selichos* mirror the structure of *Shemoneh Esrei*. Thus, the Paragraph of שומע תפילה corresponds to the *Bracha* of אבות and גבורות (by virtue of its numerous references to those subjects); the דברים י"ג correspond to the *Bracha* of קדושת השם (in which the ש"ץ and the congregation recite דברים responsively); the פיוטים correspond to the ברכות אמצעיות which contain petition; and the Paragraph of שמע קולנו corresponds to the *Bracha* of רצה (in which we petition G-d to accept our *Tefillos*). [Editor's Note].

(13) It is for this reason that *R' Yochanan*²³ refers to *Selichos* as סדר תפילה.

Unlike Modern Hebrew, in which the word תפילה denotes prayer or petition, in the lexicon of the *Gemara*, the word תפילה exclusively refers to *Shemoneh Esrei*. *Brachos* in general are never referred to as תפילה in the *Gemara*. Thus, when *R' Yochanan* uses the term סדר תפילה he must be referring to this special *Shemoneh Esrei* which is nowadays denominated as *Selichos*. Since a fourth *Shemoneh Esrei* could not be established by *Chazal* at their own initiative, they had to search for an allusion in the *Torah* for this recitation. *R' Yochanan* postulates that the origin of *Selichos* is the specific teaching by G-d of the סדר תפילה to *Moshe*. The fourth *Shemoneh Esrei* of *Selichos* could only be instituted because of the specific גזירת הכתוב whereby G-d instructed *Moshe* to advise the Jews that they should recite *Selichos* in time of need.

The Rav noted that he witnessed many גדולי ישראל who stood throughout the entire *Selichos*, insofar as *Selichos* is, in effect, a *Shemoneh Esrei*, and must, therefore, be recited while standing.

(14) Interestingly, *R' Yochanan* mentions that:

נתעטף הקב"ה כשליח ציבור.

G-d enveloped himself with a Tallis.

It is the custom to envelop oneself with a *Tallis* during the *Shemoneh Esrei*, as the *Passuk* writes:

תפילה לעני כי יעטף ולפני ה' ישפך שיחו (תהילים: קי"ב, א).
This is the prayer of the poor man who wraps himself with a Tallis as he pours out his heart to G-d.

The Rav noted that just as one places a *Tallis* above his head when reciting *Shemoneh Esrei*, similarly, each individual should don a *Tallis* and place it over his head throughout

²³ See מסכת ראש השנה דף י"ז ע"ב.

the recitation of the entire *Selichos*, which is also classified as a *Shemoneh Esrei*. The Rav added that this is the rationale for donning a *Tallis* on *Yom Kippur* night prior to the *Kol Nidrei* service. The night of *Yom Kippur* is a night dedicated to the recitation of *Selichos*,²⁴ and *Selichos* requires עטיפת הראש.

THE י"ג מידות COMPRISE THE CENTRAL MOTIF OF SELICHOS.

(15) What exactly is the סדר סליחה? In what does it express itself? The סדר סליחה consists of three different sections, each of which revolves around the central motif of סדר סליחה, namely, the י"ג מדות, *the thirteen attributes of mercy*. The original סדר סליחה transmitted by G-d to *Moshe* consisted of the י"ג מדות, as the *Gemara* says:

ויעבור ה' על פניו ויקרא... אמר לו כל זמן שישראל חוטאים יעשו לפני
כסדר הזה ואני מוחל להם.

G-d demonstrated to Moshe the order of recitations of prayers. He told Moshe that whenever the Jews will sin and will be ready for repentance, they should pray in accordance with this order, with these rules, and G-d will forgive them.

The words כסדר הזה refer to the י"ג מידות set forth in that *Passuk*. Similarly, the Paragraph of ק-ל מלך יושב (recited throughout *Selichos*) also refers to this episode when G-d taught the י"ג מידות to *Moshe*. It states:

ק-ל הורית לנו לומר שלש עשרה.

G-d, You have taught us to recite the thirteen attributes of mercy.

It is very possible that this Paragraph was the source of *R' Yochanan's* description.²⁵

Similarly, the next portion of the paragraph of ק-ל מלך יושב states:

כמו שהודעת לעניו מקדם.

As You long ago informed the modest one (i.e. Moshe).

²⁴ In previous generations, prior to the introduction of פיוט, Jews would recite lengthy *Selichos* on *Yom Kippur* night.

²⁵ The Paragraph of ק-ל מלך יושב is a very ancient text which predates *R' Yochanan's* time.

This, too, refers to *R' Yochanan*'s description in which G-d provided the secret of the י"ג מידות to *Moshe*. Thus, the central motif of *Selichos* is the י"ג מידות.

SELICHOS IS COMPRISED OF THREE COMPONENTS: PASSUKIM, וידוי AND PETITION.

(16) The obvious question is why is *Selichos* denominated as סדר סליחה and not as י"ג מידות? Furthermore, *Chazal* often said:²⁶

ברית כרותה לייג מדות שאינם חוזרות ריקם.
A covenant was entered into with the thirteen attributes of mercy.
One who recites them will always be answered.

Why then is *Selichos* not called י"ג מידות?

(17) It would seem that the rationale for this is that there are three other components which, together with the י"ג מידות, comprise the complete סדר סליחה.

The first component of *Selichos* is a compilation of *Passukim* from *Tehillim* and other portions of the כתבי הקודש. These *Passukim* speak about forgiveness and often specifically mention the word סליחה. As noted, *Chazal*, even when instituting a separate *Tefillah*, did not use their own words. *Chazal* only employed various *Passukim* of the כתבי הקודש. *Chazal* were very hesitant to author their own prayers. Thus, the entire Paragraph of שומע תפילה, which serves as an introduction to *Selichos*, is a compilation of *Passukim*. Anyone who studies these *Passukim* will be amazed at the adroitness of *Chazal* in integrating diverse *Passukim* into one cohesive prayer. These *Passukim* describe two motifs:

(i) First, גבורתו של הקב"ה, *the great majesty of G-d and His infinite strength and omnipotence*. For example, it says, אתה בראת כל היצור, *You have created all of mankind*; and, קיץ וחורף אתה יצרת, *You have created summer and winter*. The emphasis

is on the אתה, *You*, in Your infinite strength and wisdom. It refers to G-d to the exclusion of anyone else; and,

(ii) Second, שפלות האדם, *the low stature of man*.

(18) The second component of *Selichos* is וידוי, insofar as *Teshuvah* can only be articulated through וידוי.

The third component of *Selichos* is the petition. The Paragraphs of ענינו ה' ענינו, ענינו, ענינו, מי שענה לאברהם אבינו וכו', ענינו, and עשה למען אמתך were authored during the time of the Second Commonwealth. Fragments of these prayers are found in מסכת תענית.²⁷ These ancient texts were incorporated within the *Selichos*. *Chazal* were very reluctant to draft their own texts and were much more comfortable integrating *Passukim* with those ancient texts into a cohesive unit denominated as *Selichos*.

(19) In other words, *Selichos* is composed of ייג מידות, a compilation of *Passukim*, וידוי, and ancient prayers. Insofar as the ייג מידות form the basis of *Selichos*, the ייג מידות are repeated numerous times throughout the *Selichos*. Thus, compilations of *Passukim* are recited, followed by the ייג מידות. פיוטים are then recited, again followed by the ייג מידות. *Selichos* concludes with וידוי and the ancient *Tefillos* of the Second Commonwealth.

In later generations, as various פייטנים authored new פיוטים, these פיוטים were incorporated within the *Selichos* in substitution for the compilations of *Passukim*, just as פיוטים were incorporated in various portions of the *Shemoneh Esrei*.

²⁶ See ראש השנה דף י"ז ע"ב.

²⁷ See דף ט"ו ע"א, which relates that many of these prayers were recited in the *Beis Hamikdash* during times of national tragedy.

(20) The Rav criticized those cantors who concentrate on the various *Piyutim* such as הנני and כל נדרי and neglect the actual *Brachos* which comprise the *Shemoneh Esrei* (i.e. the זכרונות ושופרות, מלכיות).²⁸ Similarly, one should not chant פיוטים to the exclusion of the primary components of *Selichos*, namely, the וידוי, ייג מידות, and the Paragraphs of הי ענינו, מי שענה וכי. Unless the central paragraphs of the ייג מידות and the ancient prayers are recited, the purpose of *Selichos* is not realized. *Yom Kippur* is not a day of פיוט; rather it is a day of *Selichos*. It is therefore imperative that Rabbis ensure that the Chapters of the ancient text of *Selichos*, especially the compilation of *Passukim*, וידוי, and the Chapters commencing with ענינו, be recited meticulously and with concentration, paragraph by paragraph, responsively, first by the cantor and then by the congregation.

THE MITZVAH OF SHOFAR REQUIRES INTENT BY BOTH THE תוקע AND THE CONGREGANTS.

(21) The *Mitzvah* of *Shofar* is derived from two *Passukim* which describe *Rosh Hashanah* as יום תרועה and זכרון תרועה.²⁹ According to the *Rambam*,³⁰ the *Mitzvah* of *Shofar* on *Rosh Hashanah*, does not express itself in תקיעה, *in producing the sounds*, but in שמיעה, *in listening to the sounds*. The *Bracha* recited for *Shofar* is accordingly לשמוע קול שופר, *to hear the sound of the Shofar*,³¹ and not לתקוע בשופר, *to produce the sound*.

Even though the קיום מצוה, *the realization of the Mitzvah*, expresses itself in שמיעה, *in listening*; the מעשה מצוה, *the physical performance of the Mitzvah*, expresses

²⁸ The *Brachos* of זכרונות, ושופרות, and מלכיות reflect the three central tenets of the Jewish faith and are unparalleled in their majestic grandeur.

²⁹ These *Passukim* are located in כי"ט, א' and במדבר: כי"ג, ב' respectively. See מסכת ראש השנה דף נ"ב ונראות הרב חלק א' עמוד 9 and 105 for the Rav's elucidation of the *Halachic* significance realized by these diverse *Passukim*.

³⁰ פרק א' מהלכות שופר ה"א, מצות עשה לשמוע תרועת השופר וכי.

³¹ See 137 עמוד א' חלק א' עמוד 137.

itself in the תקיעה, *the blowing of the Shofar*. In truth, every *Mitzvah* has two components: (a) the מעשה מצוה, *the raw physical act of performing the Mitzvah*, and (b) the קיום המצוה, *the realization of the Mitzvah*. שמיעה, *listening to the Shofar*, can not be classified as a מעשה מצוה, since שמיעה is merely an acoustical sensation, and not a physical act;³² one can not discharge his obligation to perform a *Mitzvah* without physically performing the *Mitzvah* (i.e. without engaging in the המצוה).

(22) Interestingly, the *Mishnah*³³ states that one who hears the *Shofar* sounded by a minor (or any individual who is not obligated in the *Mitzvah* of *Shofar*) does not fulfill the *Mitzvah* of *Shofar*. The חתם סופר³⁴ and other *Achronim* question this *Mishnah* in light of the *Rambam's* view that the *Mitzvah* of *Shofar* expresses itself in שמיעה, *hearing*. They wonder why one who hears the *Shofar* sounded by an individual who is not otherwise obligated in the *Mitzvah* of *Shofar*, does not fulfill his obligation of שמיעה. Shouldn't one be able to fulfill his obligation to hear the *Shofar* merely by hearing the *Shofar* blown by any individual, regardless of the status of the תקיעה?

(23) The simple answer is that even though the קיום מצוה expresses itself in שמיעה, the מעשה מצוה expresses itself in תקיעה, *in the actual act of sounding the Shofar*. Thus, the מעשה מצוה must also be related to each person who wishes to fulfill his obligation of the *Mitzvah* of *Shofar*. One can not fulfill his obligation to perform a *Mitzvah* merely by reference to the קיום מצוה. He requires a מעשה מצוה as well.

³² See 121-136 נוראות הרב חלק אי עמוד for a detailed discussion by the Rav of the difference between the *Mitzvah* of שמיעה and the *Mitzvah* of תקיעה and whether the audience satisfies the *Mitzvah* because the one who sounds the *Shofar* acts as their agent in sounding the *Shofar*, or simply because they hear the sounds of the *Shofar* and intend to satisfy the *Mitzvah* thereby. In that *Shiur*, the Rav offered different conceptual rationales. However, the *Halachic* conclusions remain the same. See also ספר ארץ הצבי סימן ג' אות ט' [Editor's Note]

³³ See מסכת ראש השנה דף כ"ט ע"א.

Accordingly, one can not satisfy the *Mitzvah* of *Shofar* merely by listening to the *Shofar*, but must also identify himself with the act of blowing the *Shofar*. One who only discharges the קיום מצוה, but not the מעשה מצוה, is deemed to be a מתעסק, a casual listener. It is for this reason that we require both כוונת שומע ומשמיע³⁵ (i.e. the one who sounds the *Shofar* must intend to facilitate the performance of the *Mitzvah* on the part of the congregants, and, likewise, the congregants must intend to satisfy their *Mitzvah* by relating to the תקיעה). The שומע must somehow be converted into a תוקע as well. This is facilitated only through כוונה (i.e. by intending to satisfy the *Mitzvah* through such audition). One who listens to the sound of the *Shofar* can be transformed into a תוקע only through application of the principle of שומע כעונה (i.e. that one who hears the recitation of another, is deemed to have recited the matter himself). The principle of שומע כעונה presupposes that the one listening to the *Shofar* also intends to discharge the *Mitzvah* and is therefore deemed to be a תוקע.

(24) Accordingly, the בעל תוקע must have כוונה להוציא (i.e. he must specifically state that the sounding of the *Shofar* relates to each of the Congregants and that he specifically intends to facilitate the discharge of their *Mitzvah*). Similarly, the Congregants must have כוונה לצאת (i.e. they must specifically intend to discharge their obligation with that audition).³⁶ The Rabbi must call this to their attention prior to the recitation of the *Bracha*.

³⁵ See רמב"ם פ"ב מהלכות שופר ה"ד.

³⁶ As a matter of fact, כוונה is required for the proper discharge of the *Mitzvah* of *Shofar* even according to those who rule that *Mitzvos* generally do not require specific intent (i.e. מצוות אין צריכות כוונה). Thus, the בעל המאור (דף ז' מדפי הרי"ף ראש השנה) explains that כוונה is required in order to associate the שומע, the one who listens, to the תוקע, the one who produces the sound.

תְּרוּעָה THE REQUIRED LENGTH OF THE

(25) The numerous facets of the *Mitzvah* of *Shofar* require extreme vigilance. Primary among them is the length of time within which the notes of the *Shofar* must extend.

The *Torah* describes the note produced by the *Shofar* as a תְּרוּעָה. The *Gemara*³⁷ derives that two additional תְּקִיעוֹת must accompany the תְּרוּעָה. The question arose as to the precise length of both these notes.

The *Mishnah* states:

שיעור תקיעה כשלש תְּרוּעוֹת. שיעור תְּרוּעָה כשלש יבבות.
The note of the תְּקִיעָה must extend as long as the notes of three תְּרוּעוֹת. The note of the תְּרוּעָה is equivalent in length to that of three plain notes.

The *Gemara*, however, concludes:

שיעור תקיעה כתרועה.
The length of the תְּקִיעָה equals that of one תְּרוּעָה.

The *Gemara* also cites a ברייתא that voices a different opinion with respect to the length of the note of the תְּרוּעָה. It maintains:

שיעור תְּרוּעָה כשלושה שברים (גניחות).
*The note of the תְּרוּעָה is equivalent in length to that of three extended notes.*³⁸

³⁷ See מסכת ראש השנה דף ל"ג ע"ב.

³⁸ *Rashi* and many of other commentaries note that each extended note is longer in length than that of a regular note, i.e. שברים ארוכים מיבבות. It is because of the difference between the *Mishnah*, which states that the length of a תְּרוּעָה is equal to that of three regular notes, and the ברייתא, which states that the length of a תְּרוּעָה is equal to that of three extended notes, that there arose a doubt with respect to the correct length of the תְּרוּעָה. There were those who practiced גנחי גנח (i.e. *extended notes similar to a sigh*), referred to in the current lexicon as שברים, and there were those who practiced ילולי יליל (i.e. *regular notes*), referred to in the common lexicon as תְּרוּעָה. Others practiced both notes. For ease of presentation, I have employed the word תְּרוּעָה and שברים in the colloquial sense. The reader should be aware, however, that each (or both) comprise the תְּרוּעָה referred to in the *Torah*. See מסכת ראש השנה דף ל"ג ע"ב. In שיעור הגרי"ד (אלול, תשכ"ה) עמ' 18 (בהערת ר' צבי שכטר שליטיא) ל"ד ע"א. In contradistinction to this, the appellation שברים was applied to the extended notes since that practice was not as widespread. [Editor's Note]

RASHI MAINTAINS THAT EACH יבבא IS THE EQUIVALENT OF ONE REGULAR NOTE.

(26) *Rashi* defines שלש יבבות as:

שלש קולות בעלמא כל שהוא.

Three regular notes.

*Tosfos*³⁹ infers that, according to *Rashi's* view, since each תקיעה is the length of three תרועות, which, in turn, is defined as three regular notes (in the aggregate), one must ensure that each שבר should not extend the length of three notes. A שבר which extends the length of three notes would be classified as a תקיעה, according to *Rashi*, and not as a שבר. Thus, for example, if one produces the following sound from the *Shofar*: “too-oo-too,” that sound would be classified as a תקיעה, and not as a שבר, insofar as it consists of three notes.

THE ריב"א MAINTAINS THAT EACH יבבא IS COMPRISED OF THREE NOTES.

(27) *Tosfos* cites the dissenting view of the ריב"א who maintains that each יבבא itself consists of three different notes. Thus, the תרועה, which is defined as שלש יבבות, consists in the aggregate of nine different notes. Similarly, each שבר should extend for approximately the length of 3-4 notes, insofar as a שבר is lengthier than a תרועה. Finally, the תקיעה in each set must be equal in length to all of the שברים and/or תרועות produced in that set. Thus, according to the ריב"א, the תקיעה in the set of תקיעה, תרועה, תקיעה (i.e. תר"ת) must extend for a period of time equal to nine notes. In the set of תקיעה, תקיעה, שברים (i.e. תש"ת) the תקיעה must extend for a period of time equal to 10-12

³⁹ Sec לייג עייב דייה שיעור.

notes. In the set of תקיעה, תרועה, שברים, (תשריית), the תקיעה must extend for a period of time equal to approximately 18-21 notes.⁴⁰

THE TIMING OF THE NOTES.

(28) The Rav remarked that he witnessed many גדולי ישראל who timed the notes as lasting two notes per second (or one note per one-half second). They derived this from the simple fact that an inhalation and exhalation together lasts for one second. Thus, each note is equal in length to either an inhalation or exhalation. If so, the תקיעה of the תשריית set should last nine to eleven seconds, a fairly lengthy period. Similarly the תקיעה of the תשיית set must last five to six seconds, and the תקיעה of the תריית must last four and one-half seconds. The *Shulchan Aruch*⁴¹ concurs with this ruling.

(29) The question arises with respect to the שברים.⁴² One who produces a שבר that is equal in length to two notes (e.g. and produces a sound of “too-too”) discharges the *Mitzvah* according to *Rashi* who maintains that any שבר which is less than three notes in length is deemed to be a שבר and not a תקיעה. In such case, the three שברים in the aggregate would extend for no more than six notes.⁴³ However, according to the view of the ריבייא, the שברים would be disqualified insofar as the ריבייא maintains that the three שברים must extend for a period of time equal to approximately ten notes. On the other

⁴⁰ In this *Shiur*, the Rav stated that the תקיעה of תשריית need extend for a period equal to only 18-19 notes. However, in 8 עמי (אלול, תשכ״ה), the Rav stated that such תקיעה should extend for a period equal to 21 notes.

⁴¹ אורח חיים סימן תקי״צ סעיף ג׳.

⁴² The length of a תקיעה need not be curtailed. The *Mishnah* (ibid) expressly states:
תקע בראשונה ומשך בשניה כשתים אין לו אלא אחת.
One who extends the length of a תקיעה to equal that of two תקיעות satisfies his obligation to sound one תקיעה.

The תקיעה is not disqualified even if it extends for longer than the prescribed period.

⁴³ As noted earlier, according to *Rashi*, the תקיעה of the תשיית set must extend for no less than nine notes.

hand, if one would extend the length of each שבר to equal that of three notes (i.e. oo-oo-to), these would be satisfactory שברים according to the ריבי"א. However, such שברים would be deemed to be תקיעות, according to *Rashi* who maintains that the length of a תקיעה is equal to that of three notes.

(30) Prima facie, it is impossible to reconcile both views of *Rashi* and the ריבי"א with regard to שברים without blowing two sets of תשי"ת. In one set, each שבר would be the length of two notes (i.e. one second), which would confirm with the view of *Rashi*. In the other set, each שבר would be equal to three notes in length (i.e. one and one-half seconds) in conformity with the view of the ריבי"א.

THE גר"ח SUGGESTED THAT NUMEROUS שברים BE PRODUCED.

(31) Both the גר"מ ז"ל and גר"ח ז"ל instituted a different practice.⁴⁴ They solved the conflict between *Rashi* and the ריבי"א by requiring that the בעל תוקע produce five or six שברים.⁴⁵ Each שבר should last for less than three notes (i.e. approximately one and one-half seconds); however, because of the multiplicity of שברים, the aggregate amount of שברים would extend in length for a period approximately equal to that of ten to twelve notes (i.e. five seconds).

They reasoned that just as, according to the ריבי"א, the תרועה extends for more than ten notes as a result of the multiplicity of תרועות, so, too, שברים can extend for a period in excess of ten notes if numerous שברים are produced. As long as the שברים in the aggregate extend for a period in excess of ten notes (as is the case by תרועה), the

⁴⁴ In ספר נפש חרב עמי כ"ו, this practice is attributed to the Rav who, as a child, suggested it to the גר"ח. The גר"ח was so impressed that he immediately adopted this practice. In this *Shiur*, the Rav modestly attributed this innovation to the גר"ח.

שברים are satisfactory. This avoids the difficulty of the conflicting views of *Rashi*, on the one hand, and the ריב"א, on the other.

In other words, each שבר should extend for a period of two notes, but five שברים, rather than three שברים, should be blown. The Rav strongly recommended this practice,⁴⁶ and, although he recognized that it is difficult to produce five שברים, it can be achieved.

A CLEAR SOUND IS NOT INDISPENSABLE.

(32) Most בעלי תקיעה prefer a clear solid note. Of course, the *Mishnah* rules:⁴⁷

כל הקולות כשרין בשופר.

All sounds produced by the Shofar satisfy the Mitzvah.

Clarity of sound is not fatal. Nonetheless, if a hoarse note is produced, many בעלי תקיעה, to satisfy their preference for a clean note, will discontinue that note and produce a new note.

The Rav noted that this practice is improper. A note which is prematurely terminated may constitute a הפסק, *interruption*.⁴⁸ Thus, even if the note produced by the *Shofar* is hoarse, the note should be continued. The *Mitzvah* will nonetheless be satisfied.

THE REQUIREMENT THAT THE שברים תרועה BE BLOWN IN ONE BREATH.

(33) There is a controversy among the *Rishonim* whether the שברים תרועה should be blown in one breath or in two breaths.⁴⁹ Most *Rishonim* rule that the שברים

⁴⁵ Interestingly, our practice is to produce numerous תרועות, but only three שברים. See מגן אברהם שם ס"ק ב'. The גר"ח ז"ל and the גר"מ ז"ל both rejected that view and maintained that one should produce numerous שברים as well.

⁴⁶ See שיעורי הגר"י (אלול, תשכ"ה) עמוד 8 (בהעתקת ר' צבי שכטר שליט"א) where the Rav quoted the גר"ח that the only difference between a שבר and a תרועה is the sound of the note and not the aggregate length. A שבר is a cough, while a תרועה is a wail. The sound of שברים is that of "to-oo-to". The sound of a תקיעה, on the other hand, is one constant note. The Rav added that the תקיעה need not be a steady tone. It can rise or fall, as long as it is one note.

⁴⁷ See מסכת ראש השנה דף כ"ז ע"ב.

⁴⁸ The laws regarding which types of הפסק are fatal and which may be ignored are extremely complex.

⁴⁹ See חזון איש אורח חיים סימן קל"ו, ר"א"ש מסכת ראש השנה פ"ד סימן י'; טור אורח חיים סימן תק"צ. See also חזון איש אורח חיים סימן קל"ו, ר"א"ש מסכת ראש השנה פ"ד סימן י'; טור אורח חיים סימן תק"צ. See also חזון איש אורח חיים סימן קל"ו, ר"א"ש מסכת ראש השנה פ"ד סימן י'; טור אורח חיים סימן תק"צ. [Editor's Note]

שברים תרועה must be blown with one breath in the תשר"ת set. They reason that both שברים תרועה are produced in this set to conform with the description of תרועה as both גנוחי גנוח, *groaning* and ילולי יליל, *crying*. Thus, both types of notes, together, constitute the required תרועה and should be produced consecutively, in one breath, without interruption. The שברים and תרועה, in their view, constitute one קול, *one note*, and so must be performed in one breath.

The *Rabbeinu Tam* disagrees.⁵⁰ He maintains that even in the תשר"ת set the שברים תרועה must be produced in two separate breaths.

ACCORDING TO RABBEINU TAM THE שברים תרועה MUST BE PRODUCED IN TWO BREATHS SINCE THEY CONSTITUTE TWO DIFFERENT SOUNDS.

(34) The Rav explained that, according to *Rabbeinu Tam*, the question of whether one breath or two breaths are required is not predicated on the *Halachic* question of which is the true תרועה, the sighing (i.e. the שבר) or the wailing (i.e. the תרועה). Rather, the question depends on whether, as a practical matter, they each represent a different קול, *sound*, or if, both together, they represent a single unitary קול, *sound*. *Rabbeinu Tam* reasons that even though the שברים תרועה together constitute one תרועה, and that when the *Torah* employed the phrase יום תרועה יהיה לכם it intended that each person produce a שבר תרועה together, nonetheless, the שבר and the תרועה still constitute two different sounds. If so, though *Halachically* the שברים תרועה are regarded as one note, they must be produced in two separate breaths.

In other words, according to *Rabbeinu Tam*, one must distinguish between a *Halachic* note and a practical note. The two notes (i.e. the שבר and the תרועה) may be

⁵⁰ See טור או"ח סימן תקי"ב.

deemed *Halachically* as one unitary note; however, since, as a practical matter, they constitute two קולות, *sounds*, they must be produced separately in two separate breaths.

(35) There are conflicting *Minhagim* with regard to this matter. The *Rama*⁵¹ writes that the custom of Jews in Germany was to blow the שברים תרועה in two separate breaths. This was true for both the תשר"ת of the תקיעות דמעומד as well as for that of the תקיעות דמיושב. In Lithuania, the custom was to follow the advice of the *Shulchan Aruch*⁵² and blow the תשר"ת of the תקיעות דמעומד in one breath and the תשר"ת of the תקיעות דמיושב in two breaths.

(36) The Rav pointed out that when the *Rishonim* discuss the requirement that the תשר"ת be blown in שני נשימות, *two breaths*, they are also quick to point out that the שברים and תרועה can not be separated by more than one breath. One can pause only one breath between the שבר and the תרועה. According to *Rabbeinu Tam*, the בעל מקריא (i.e. *the Rabbi who instructs the בעל תוקע as to which notes to produce*) must direct the תוקע to produce a שברים תרועה. He must not instruct the תוקע to produce a שבר and then, after the שבר is produced, instruct him to produce a תרועה. That would not be satisfactory since in such a case the pause between the שברים and תרועה would be in excess of one breath. Rather, by the תשר"ת set of the תקיעות דמעומד the בעל מקריא should direct the בעל תוקע to produce a שברים תרועה; however, the בעל תוקע should pause for only one breath between the production of the שברים and that of the תרועה. It is not recognizable to the audience whether the בעל תוקע pauses for one breath or two

⁵¹ אורח חיים סימן תק"צ סעיף ד'.

⁵² Ibid.

breaths between the שבר and the תרועה. It is something that only the בעל תוקע and the בעל מקריא can recognize.

(37) The גרי"ח ז"ל and the גרי"מ ז"ל had a different practice. They blew the שברים and תרועה in the תשר"ת set with one breath, without any pause whatsoever, in both the תקיעות דמיושב and the תקיעות דמעומד. They reasoned that since most of the *Rishonim* rule that the שברים תרועה of the תשר"ת set should be produced without any pause, it is preferable to follow the majority view even with respect to תקיעות דמיושב. They also pointed out that even *Rabbeinu Tam*, who maintains that the שברים תרועה should be produced in two separate breaths, concedes that בדיעבד, *as a matter of last resort*, one who produces the שברים תרועה in one breath satisfies the *Mitzvah* of *Shofar*. As a matter of fact, many *Rishonim*⁵³ maintain that one who blew the תקיעה תרועה תקיעה set in one breath, without any pause whatsoever, satisfies the *Mitzvah* of *Shofar*. These *Rishonim* would certainly concede that one who blew the שברים תרועה without pause satisfies the *Mitzvah*.⁵⁴

However, even the גרי"ח ז"ל and the גרי"מ ז"ל instructed the בעל תוקע to pause between the שברים and the תרועה of the תשר"ת set blown after the *Shemoneh Esrei* during *Kaddish*.

In conclusion, the שברים תרועה of the תשר"ת set should be produced in one breath during both the תקיעות דמעומד and the תקיעות דמיושב. However, the תרועה שברים of the תשר"ת set following *Shemoneh Esrei* should be produced in two breaths.

⁵³ See שו"ע שם סעיף ה'.

⁵⁴ The גרי"ח זצ"ל and גרי"מ זצ"ל noted that according to *Rabbeinu Tam*, the pause may not exceed one breath (i.e. יותר מכדי נשימה פסולה). They were therefore concerned that one who pauses between the שברים תרועה may do so for a period in excess of one breath (i.e. יותר מכדי נשימה אחת) and disqualify that set even according to *Rabbeinu Tam*.

תקיעות דמיושב. THE ORIGIN OF THE

(38) What is the difference between the תקיעות דמעומד and the תקיעות דמיושב? The תקיעות דמיושב refer to the forty notes produced prior to the *Shemoneh Esrei*. The תקיעות דמעומד refer to the forty notes produced during the חזרת השי"ץ. Why are the תקיעות דמיושב referred to as מיושב (i.e. *practiced while the congregation sits*) and the תקיעות דמעומד referred to as מעומד (i.e. *practiced while the congregation stands*)?⁵⁵ The *Rambam*⁵⁶ maintains that the תקיעות דמיושב must be performed while the entire congregation is sitting. According to the *Rambam*, the appellation תקיעות דמיושב is thus appropriate. However, the *Minhag* in most communities is that everybody remains standing even during the תקיעות דמיושב.⁵⁷

(39) In the days of the *Mishnah*, the תקיעות דמיושב were not practiced. The *Shofar* was blown only during the חזרת השי"ץ,⁵⁸ and not prior to the *Shemoneh Esrei*.

(40) The *Rishonim*⁵⁹ explain that the custom of performing the תקיעות דמיושב originated with ר' אבהו דקיסרי who, in order to instill uniformity among all Jewish communities, instituted that three sets, each containing a different variation of the תרועה

⁵⁵ See העמק שאלה שאילתא קעייא אות ב' who provides a novel explanation of this practice. [Editor's Note]

⁵⁶ See פייג מהלכות שופר הי"י.

⁵⁷ See 142 for a detailed explanation by the Rav as to why the congregation must sit during the תקיעות דמיושב. Succinctly put, the rationale stems from the *Rambam*'s desire that the notes of the *Shofar* produced by בעל תוקע be related to each of the congregants in the same manner as the חזרת השי"ץ is related to the congregants and in the same manner as דברים שבקדושה and ברכו relate to them. Thus, just as דברים שבקדושה and ברכו, חזרת השי"ץ and the other דברים שבקדושה are recited while the *Chazan* stands and the congregation sits, so too, the שופר is sounded while בעל תוקע stands and the rest of the congregation sits. The Rav inferred from this that the תקיעות דמיושב also constitute a תפילה קיום. [Editor's Note]

⁵⁸ The *Mishnah* (33 b) states שופר תוקע ומריע ותוקע מי שבירך ואחר כך נתמנה לו שופר תוקע וקול שופר. The word שבירך does not refer to the *Bracha* of שופר; rather, שבירך refers to the *Brachos* of זכרונות ושופרות. The *Mishnah*, thus, means that one who recited the *Brachos* of זכרונות ושופרות without hearing the *Shofar* must thereafter blow the *Shofar*.

⁵⁹ See רב יוחנן ר' אבהו. ר' אבהו was one of the most prominent students of ר' יעייב מדפי הרי"ף and lived at the end of the Third Century (C.E.).

notes, be blown (i.e. תשריית, תשיית and תריית).⁶⁰ He did not want to sound all three sets during the *Shemoneh Esrei* (and/or the חזרת השייץ) since that would create an unnecessarily large interruption. He, therefore, suggested that all three sets be blown prior to *Shemoneh Esrei*, and only the bare minimum of notes be sounded during the חזרת השייץ. Thus, the institution of ר' אבהו was not only to produce שברים תרועה in addition to שברים and in addition to the תרועה, but that all three sets be blown prior to the *Shemoneh Esrei* as well.

According to the בעל המאור⁶¹ the תקיעות דמיושב were first introduced only during the days of בעל המאור the *Gaonim*, and not during the days of *Amoraim*. He maintains that during the days of the *Gemara* the *Shofar* was sounded only during the חזרת השייץ.

ONE MAY NOT CONVERSE BETWEEN THE תקיעות דמעומד AND THE תקיעות דמיושב.

(41) The Rav stated that it is imperative for Rabbis to enjoin their congregants from conversing or otherwise interrupting between the תקיעות דמיושב and the תקיעות דמעומד. Once the *Shofar* is sounded prior to *Mussaf*, one must remain silent until the final sound of the *Shofar* produced following the *Kaddish* at the conclusion of *Mussaf*.⁶²

⁶⁰ See ראש השנה דף ל"ד ע"א.

⁶¹ See בעל המאור למסכת ראש השנה דף י' ע"ב מדפי הרי"ף.

⁶² The Rav noted that before one offers words of chastisement to one's congregation, one must first improve oneself. He pointed out that the *Kohen Gadol*, prior to reciting וידוי on behalf of the entire Jewish nation, first recited וידוי on his own behalf, for his own sins, and engaged in a lengthy purification process inside the קדש הקדשים. Similarly, one should not offer words of rebuke until he has first corrected his own actions.

THE DIFFERENCE BETWEEN יום תרועה AND זכרון תרועה.

(43) Many *Rishonim* maintain that blowing the *Shofar* in conjunction with *Tefillah* (i.e. תקיעות דמעומד על סדר הברכות during the *Pentatuachally mandated*.⁶⁶ The *Kiyum* of תקיעות obtained by merging them with the *Brachos* is a קיום דאורייתא. The Rav theorized that one who listens to the sounds of the *Shofar* without integrating the *Shofar* within the text of the *Brachos* of ושופרות, זכרונות, מלכיות, satisfies the basic *Mitzvah* of *Shofar*. He lacks, however, the special *Kiyum Mitzvah* obtained by merging the *Shofar* with *Tefillah*.

(44) The Rav added that there are two קיומים which are inherent in the *Mitzvah* of *Shofar*. The first one is the *Kiyum* precipitated by the *Passuk* of יום תרועה,⁶⁷ and the second is the *Kiyum* precipitated by the *Passuk* of זכרון תרועה.⁶⁸ The *Passuk* of יום תרועה refers to those times in which the *Shofar* is not blown in conjunction with the *Shemoneh Esrei*, while the *Passuk* of זכרון תרועה refers to those times when the *Shofar* is blown during *Shemoneh Esrei* in conjunction with the *Brachos* of זכרונות, מלכיות, ושופרות. Therefore, one who hears the sound of the *Shofar* outside the context of *Shemoneh Esrei* merely satisfies the *Mitzvah* of יום תרועה, but does not satisfy the *Mitzvah* of זכרון תרועה. The latter requires that the *Shofar* be blown after each of the *Brachos* of זכרונות ושופרות, מלכיות, contained in the *Mussaf Shemoneh Esrei*.⁶⁹

⁶⁶ See שיעור הגרי"ד (אלול, תשכ"ה) עמ' 1. רש"י ויקרא: כ"ג, כ"ד (פסוקי זכרונות ושופרות יאמר) writes that, according to *Rashi*, citing the *Passukim* is מדאורייתא. The *Brachos*, per se, are מדרבנן. He adds that according to *Rashi*, the words זכרון תרועה means to remember the תרועה by citing the *Passukim*. In this respect, the word זכרון is similar to that of יום השבת את זכור את יום מצרים which requires the recitation of *Kiddush* and יום צאתכם מארץ מצרים which imposes the *Mitzvah* of יציאת מצרים. [Editor's Note]

⁶⁷ See במדבר: כ"ט, א'.

⁶⁸ See ויקרא: כ"ג, כ"ד.

⁶⁹ The *Rambam* (פרק ג' מהלכות שופר הלכה ז') and the *Ramban* (ויקרא: כ"ג, כ"ד) apparently maintain that the obligation to blow the *Shofar* within the context of *Shemoneh Esrei* is only Rabbinically mandated.

ONE SHOULD REMAIN STANDING DURING THE ENTIRE חזרת הש"ץ OF THE
MUSSAF SHEMONEH ESREI.

(45) The Rav quoted the גר"ח זצ"ל, who advised that it is preferable to remain standing throughout the entire חזרת הש"ץ of *Mussaf*. He pointed out that the *Rambam*⁷⁰ maintains that one must stand during the recitation of each חזרת הש"ץ even during the year. The *Rambam* reasons that the ש"ץ does not recite חזרת הש"ץ on his own behalf; rather, the ש"ץ recites חזרת הש"ץ on behalf of the entire congregation. Insofar as the חזרת הש"ץ is related to the entire congregation, each member of the congregation must remain standing in the posture required for *Shemoneh Esrei*.

As a matter of fact, it is very probable that *Shemoneh Esrei* initially was instituted solely at the communal level, and that only the ש"ץ recited the *Shemoneh Esrei* and not the individuals. Later on, as people became more literate, the *Minhag* evolved for each individual to recite *Shemoneh Esrei*, followed by the communal recitation by the ש"ץ.

Many other *Rishonim* reject the *Rambam's* opinion and do not require the congregation to remain standing during the חזרת הש"ץ.⁷¹

(46) The גר"ח maintains that with respect to the *Mussaf* of *Rosh Hashanah*, however, all *Rishonim* concede that the חזרת הש"ץ of *Mussaf* is recited by the ש"ץ on behalf of the entire congregation. He reasons that insofar as the *Shofar* is sounded only during the חזרת הש"ץ, the requirement of תקיעות על סדר הברכות is discharged solely during the חזרת הש"ץ. As a matter of fact, many *Rishonim* question how the תקיעות על סדר הברכות can be discharged on behalf of each individual congregant if the *Shofar* is blown only during the חזרת הש"ץ recited by the ש"ץ during חזרת הש"ץ. In response to

⁷⁰ פ"ט מהלכות תפילה הי"ג.

⁷¹ מהר"ם מרוטנברג הובא בטור או"ח סימן קכ"ד.

this, the ערוך⁷² maintains that the *Shofar* should be sounded during the תפילה בלחש. This view, however, was not accepted by most of the *Rishonim*. The *Rambam*, *Ramban* and most of the other *Rishonim* rule that the *Shofar* should not be blown during the *Mussaf Shemoneh Esrei* recited by each congregant individually. The *Shofar* should only be sounded during the חזרת הש"ץ. The conclusion to be drawn is that each individual discharges the *Mitzvah* of hearing the *Shofar* blown על סדר הברכות since the חזרת הש"ץ relates, not only to the ש"ץ, but to each member of the congregation as well (at least so far as the *Mussaf Shemoneh Esrei* of *Rosh Hashanah* is concerned).⁷³

(47) Since the חזרת הש"ץ of the *Mussaf* of *Rosh Hashanah* is related to each member of the congregation, the גר"ח maintains that the entire congregation must remain standing during חזרת הש"ץ in the same posture which is required during the recitation of the silent *Shemoneh Esrei*. Moreover, in order that the חזרת הש"ץ be identified with them, the ציבור must listen to each and every word of the חזרת הש"ץ. Each congregant must hear every word of the חזרת הש"ץ from אלוקיננו ואלוקי אבותינו of the *Bracha* of *Avos* until the conclusion of המברך את עמו ישראל בשלום. One who does not hear every word of the חזרת הש"ץ does not obtain the *Kiyum* of סדר הברכות, insofar as the חזרת הש"ץ (i.e. the סדר הברכות) can not relate to him. Conversing during the חזרת הש"ץ precludes a person from relating to the חזרת הש"ץ, thereby depriving him of realizing the *Mitzvah* of סדר הברכות.

⁷² See תוספות ראש השנה דף ל"ג ע"ב ד"ה שיעור. This practice was also adopted by the גר"ח and many Hassidic Sects. See, however, שו"ת אבני נזר א"ח סימן תמ"ה - תמ"ז, [Editor's Note]

⁷³ In פ"ג מהלכות שופר, שיעור הגרי"ד (אלול, תשכ"ח) עמוד 5, the Rav inferred from the *Rambam's* language (ה"ב) that a ציבור that does not sound the *Shofar* during חזרת הש"ץ does not discharge their obligation to hear חזרת הש"ץ of *Mussaf*. The תקיעות על סדר הברכות form an integral portion of the חזרת הש"ץ of *Mussaf*, and their omission is as fatal as the omission of any of the *Brachos*.

חזרת הש"ץ ONE MUST HEAR EACH WORD OF THE

(48) Certain cantors have introduced the peculiar practice of having a choir sing certain passages of the חזרת הש"ץ. For example, it is common for a choir to sing the entire Paragraph of וחסד מכלכל חיים or the *Bracha* of על כל אלקינו אלוקי אבותינו מלוך על כל העולם, etc. This practice is *Halachically* incorrect. By allowing the choir to sing, whether in unison with the ש"ץ or without the ש"ץ, the congregants are prevented from hearing the ש"ץ recite the words of the paragraphs sung, thereby depriving them from realizing the *Kiyum Mitzvah* of תקיעות על סדר הברכות. This *Kiyum* can only be realized if the congregants hear every word of the חזרת הש"ץ. If one who fails to recite מש"ב הרוח ומוריד הגשם must repeat the entire *Shemoneh Esrei*, certainly one who fails to hear an entire paragraph of the *Shemoneh Esrei* must repeat the entire *Shemoneh Esrei*. The Rav conceded that if the choir wishes to sing any portion of the חזרת הש"ץ, they may do so; however, the cantor must then repeat out loud each word of the segment that was sung, in order to allow each of the congregants to hear the entire *Shemoneh Esrei*.

THE ש"ץ SHOULD RECITE THE ENTIRE BRACHA OF הודאה ALOUD AFTER THE מודים דרבנן HAS COMPLETED THE RECITATION OF

(49) The common practice observed by שלוחי ציבור, is that after he recites the conclusion of the *Bracha* of עבודה (i.e. בא"י המחזיר שכינתו לציון), the entire congregation recites the מודים דרבנן. The ש"ץ, simultaneously therewith, recites the *Bracha* of הודאה (i.e. מודים אנחנו לך) silently until the last sentence of הטוב כי לא כלו רחמך, which he then recites out loud. The upshot of all of this is that the congregation does not hear the bulk of the *Bracha* of הודאה. As noted above, this deprives them from realizing the *Kiyum* of תקיעה על סדר הברכות.

(50) The Rav, therefore, recommended that the ש"ץ should not recite any portion of the *Bracha* of מודים until after the congregation has completed their recitation of מודים זרבנו. At that time the ש"ץ should recite out loud the entire *Bracha* of הודאה, commencing with לך מודים אנחנו לך through כי מעולם קוינו לך, thereby allowing each congregant to hear the entire *Bracha*. This is true throughout the year and not just on *Rosh Hashanah*. This practice was observed by the גרי"ח ז"ל, the גרי"מ זצ"ל, and in the *Yeshiva* of Volozhin.

THE CONCLUSION OF THE BRACHA OF שלום SHOULD NOT BE ALTERED.

(51) During the עשרת ימי תשובה, there is a common practice to alter the conclusion of the *Bracha* of שלום (i.e. the *Bracha* of עמו ישראל בשלום) (בא"י המברך את עמו ישראל בשלום) to ברוך אתה ה' עושה השלום. This emendation is not mentioned in the *Gemara* at all, though it is alluded to in the מסכת סופרים.⁷⁴

This practice was expressed in many of the *Kabbalistic* works. However, the *Kabbalists* emphasized time and time again, that they did not intend to amend the actual *Bracha*. They merely intended that at the completion of *Shemoneh Esrei* (and of the *Kaddish*), instead of reciting the *Passuk* of עושה שלום במרומיו, one should recite עושה השלום במרומיו. They never suggested an amendment of the actual חתימה of the *Bracha* of שלום.⁷⁵ The practice of preserving the integrity of the text of the conclusion of the *Bracha* of שלום was accepted by the גרי"ח, the גרי"מ and many other גדולי אחרונים.

⁷⁴ See פייט הי"ח.

⁷⁵ See ספר כף החיים אורח חיים סימן תקפ"ב אות ט"ו. [Editor's Note]

THE CONCLUSION OF THE BRACHA OF עבודה SHOULD NOT BE ALTERED DURING THE חזרת הש"ץ.

(52) A similar situation prevails with respect to the *Bracha* of עבודה (i.e. רצה).

The common practice is that on those days on which *Birchas Kohanim* is recited, the *Bracha* of רצה concludes the *Bracha* of רצה with ביראה נעבוד, rather than בא"י שאותך לבדך, with the standard text of המחזיר שכינתו לציון.

The Rav was critical of this emendation. The conclusion of ביראה נעבוד was utilized by the *Kohanim* in the *Beis Hamikdash* as the conclusion of the *Bracha* of רצה.⁷⁶ Similarly, the *Kohen Gadol* on *Yom Kippur* probably recited ביראה נעבוד. However, following the destruction of the *Beis Hamikdash*, that *Bracha* should not be employed. There is no reason to alter the text of the *Bracha* of המחזיר שכינתו לציון merely as a result of the recitation of *Birchas Kohanim*. The practice instituted by the *Vilna Gaon*, and followed in the *Yeshiva* of Volozin, by the גר"ח and the גר"מ, was to recite the text of ותערב the as follows:

ותערב לפניך עתירתנו וכו' השב שכינתך וכו' לירושלים, ושם נעבדך
ביראה כימי עולם וכשנים קדמוניות. ותחזינה עינינו בשובך לציון
ברחמים. בא"י המחזיר שכינתו לציון.⁷⁸

(53) Though only the students of the *Gaon* accepted his advice to recite the *Bracha* of המחזיר שכינתו לציון instead of ביראה נעבוד, nonetheless, the practice to preserve the חתימה of את עמו בשלום was observed by many *Gedolim* and *Rabbanim*, and should be complied with.

⁷⁶ See מסכת ברכות דף י"א ע"ב (רש"י ד"ה ועבודה).

⁷⁷ See מסכת יומא דף ע"א ע"א.

⁷⁸ They rearranged the placement of the phrase כימי עולם וכשנים קדמוניות, since the conclusion of המחזיר שכינתו לציון must be preceded by words of like subject matter.

THE DIFFERENT NAMES OF THE HOLIDAY OF ROSH HASHANAH.

(54) The Holiday is called *Rosh Hashanah*. It is the first day of *Tishrei*. It is regarded as the commencement of the year with respect to establishing the years of שמיטה, and with respect to תרומות ומעשרות.⁷⁹ It is not called *Rosh Hashanah* merely because it is a יום הדין, *a day of judgment*. *Yom Kippur* is also a יום הדין; yet, it is not called *Rosh Hashanah*. The word *Rosh Hashanah* is a *Halachic* expression that reflects the status of the first day of *Tishrei* as the first day of the calendar year with respect to שמיטה תרומות ומעשרות.

The *Mishnah* always refers to this Holiday as יום טוב של ראש השנה.⁸⁰ What is the significance of the appellation of יום טוב של ראש השנה?

(55) The Rav answered that the designation of the first day of *Tishrei* as a *Rosh Hashanah* is unrelated to the *Kedushas Hayom* of that day. The fifteenth day of *Shevat* is a ראש השנה לאילנות (i.e. *it is a Rosh Hashanah for determining the year in which the fruit is deemed to have grown for מעשרות ומעשרות and other purposes*), even though that day lacks *Kedushas Hayom*. Similarly, the fact that the first day of *Tishrei* is also the first day of the calendar is unrelated to the *Kedushas Hayom* inherent in that day. If the first day of *Tishrei* were not endowed with *Kedushas Hayom*, it would still be the first day of the calendar year.⁸¹ Moreover, it is merely coincidental that G-d's דין, *judgment*, is conducted on the first day of *Tishrei*, and this same day is vested with the *Kedushas Hayom* of *Rosh Hashanah*. All of the other holidays are also ימי הדין, *days of judgment*,

⁷⁹ See מסכת ראש השנה דף ב' ע"א.

⁸⁰ See, e.g. מסכת ראש השנה דף כ"ט ע"ב. Similarly, the *Mishnah* refers to the last day of *Pesach* and the last day of *Succos* as יום טוב אחרון של חג or יום טוב אחרון של פסח. See, e.g. מסכת סוכה דף מ"ח ע"א.

⁸¹ Such state of affairs was in fact contemplated by the צננת פנח פרק ג' מהלכות קידוש החודש הלכה ז' who explains that the calendar year could commence on the first day of *Tishrei* even though the second day of *Tishrei* is observed as *Rosh Hashanah*. [Editor's Note]

for various items, such as for produce and fruit.⁸² Yet, they lack *Kedushas Hayom*. *Rosh Hashanah* is singular in that it is both a day of דין, *judgment*, and also one which is endowed with *Kedushas Hayom*. It is for this reason that the *Mishnah* refers to the Holiday of *Rosh Hashanah* as יום טוב של ראש השנה to emphasize that there are two facets of the day: (1) the fact that the day is endowed with *Kedushas Hayom* (i.e. it is a *Yom Tov*) and (2) that it is also a day of judgment. Arguably, had the first day of *Tishrei* not been endowed with *Kedushas Hayom*, it still would be the first day of the calendar, insofar as the *Kedushas Hayom* does not necessarily precipitate the judgment facet of *Rosh Hashanah*.

In other words, the *Mishnah* stresses יום טוב של ראש השנה to reflect that their discussions pertain to the *Kedushas Hayom* of that day (i.e. the יום טוב facet), and not to the *Halachic* status of that day as the first day of the calendar year.

יום הזכרון THE MEANING OF

(56) In *Tefillah*, the Holiday of *Rosh Hashanah* is referred to as יום הזכרון. In *Masכת סופרים*, which contains ancient texts and fragments of the *Tefillos* recited in *Eretz Yisroel* during the time of the Second Commonwealth, the text of the *Tefillah* recited on *Rosh Hashanah* is as follows:

ותתן לנו ה' אלוקינו באהבה את יום טוב של ראש השנה ואת ראש
חדש הזה ויום תקיעת שופר הזכרון הזה.⁸³

The Holiday is called both יום ראש חודש and יום ראש השנה. In the text of our *Tefillah*, however, the Holiday of *Rosh Hashanah* is referred to as יום הזכרון.

⁸² See *מסכת ראש השנה* דף ט"ז ע"א.

⁸³ See *מסכת סופרים* פרק י"ט הלכה ה'. See, however, the emendation proposed by the *גר"א* and *מסורה* חוברת ג', עמוד ל"ח.

(57) What does the term יום הזכרון mean? The Rav answered that the *Gemara* comments on the *Passuk* of:

תקעו בחודש שופר בכסה ליום חגינו,
*Sound the Shofar on the Holiday in which the month is hidden,*⁸⁴

that the words ליום חגינו בכסה refer to the Holiday of *Rosh Hashanah*. They explain that:

איזהו חודש שהחג מתכסה בו? הוי אומר זה ראש השנה.⁸⁵
In which month is the Holiday hidden? It refers to Rosh Hashanah.

The simple explanation as to why *Rosh Hashanah* is identified as the Holiday in which הַחֹדֶשׁ מֵתְכַסֶּה בוֹ, *the month which is hidden*, is that *Rosh Hashanah* occurs on the first day of the month. At that time, the moon is almost hidden from view and barely visible.

(58) *Rabbeinu Tam*,⁸⁶ however, offers a different explanation. He points out that even though *Rosh Hashanah* always occurs on the first day of *Tishrei* (and is, thus, a *Rosh Chodesh* as well), the *Rosh Chodesh* feature is not mentioned in any of the *Tefillos*.⁸⁷ Thus, the *Bracha* of the *Kedushas Hayom* omits any reference to *Rosh Hashanah*'s distinction as a *Rosh Chodesh*. Similarly, the *Karbon* of *Rosh Chodesh* is not mentioned in the *Mussaf Shemoneh Esrei*, which lists the various *Karbonos* offered on *Rosh Hashanah*. This is in contrast to all other *Roshei Chadashim* (even those occurring on

⁸⁴ See תהלים: פ"א, ד'.
⁸⁵ See מסכת ראש השנה דף ח' ע"ב.

⁸⁶ See תוספות שם ד"ה שהחודש.

⁸⁷ In the *Beis Hamikdash*, they offered the *Mussaf* of *Rosh Chodesh*, but this offering is not mentioned in our *Tefillah*.

Shabbos), where the *Mussaf* of *Rosh Chodesh* is clearly depicted by the recitation of the appropriate *Passukim*⁸⁸ which describe the *Karbonos* offered on *Rosh Chodesh*.

Though many *Rishonim* maintain that *Rosh Chodesh* should not be mentioned at all in the *Mussaf* of *Rosh Hashanah*, *Rabbeinu Tam* maintains that the *Mussaf* of *Rosh Chodesh* should be mentioned obliquely in the *Mussaf* of *Rosh Hashanah*. He reasons that when the *Torah* describes the *Karbonos* of the *Mussaf* offered on *Rosh Hashanah* it provides only a parenthetical reference to *Rosh Chodesh*. It states:

מלבד עלת החדש ומנחתה ועלת התמיד וכ"ו (במדבר : כ"ט, ו').
*The Karbonos of the Mussaf of Rosh Hashanah described above
are in addition to the Karbonos of Rosh Chodesh offered on that
day.*

Rabbeinu Tam, therefore, suggests that such *Passuk* be recited in the *Tefillah* of *Mussaf*, and that no other mention of *Rosh Chodesh* be made. Most communities have accepted *Rabbeinu Tam's* suggestion and have incorporated that allusion within the *Tefillah* of *Mussaf* of *Rosh Hashanah*. *Rosh Chodesh* is not mentioned anywhere else in the *Tefillah*.

(59) The obvious question that arises is that, at first glance, the view of the *Rishonim* who maintain that *Rosh Chodesh* should not be mentioned at all is seemingly more consistent with the express description of *Rosh Hashanah* as one in which *החדש מתכסה*, which they interpret as referring to the *Holiday* in which *Rosh Chodesh* is not mentioned at all. However, according to *Rabbeinu Tam* who allows for an oblique reference to *Rosh Chodesh* (and must, therefore, interpret *שהחדש מתכסה* in another fashion) why was a complete description of the *Mussaf* of *Rosh Chodesh* not permitted?

⁸⁸ See במדבר : כ"ט, ב'.

What is the rationale for *Rabbeinu Tam's* compromise that *Rosh Chodesh* be mentioned only parenthetically?

Furthermore, and more importantly, reciting the *Passukim* in the *Tefillah* of *Mussaf* is of Rabbinic origin. It is certainly not an obligation that is Pentateuchally mandated. How, then, can the *Rishonim* and *Rabbeinu Tam* both interpret the *Passuk* of *שהחודש מתכסה* as mandating a deletion of the recitation of *Passukim*, when such recitation is, itself, only Rabbinically mandated and not Pentateuchally mandated?⁸⁹

THE IDENTITY OF THE *KEDUSHAS HAYOM* OF *ROSH HASHANAH*.

(60) The Rav answered⁹⁰ that it is first necessary to examine the precise nature of the *Kedushah* of *Rosh Hashanah* and the *Kedushah* of *Rosh Chodesh*. Generally, whenever *Rosh Chodesh* occurs on *Shabbos* that day is vested with two *Kedushos Hayom*. The day is invested with both the *Kedushas Hayom* of *Shabbos* as well as with the *Kedushas Hayom* of *Rosh Chodesh*. These two *Kedushos Hayom* are distinct and apart. The *Kedushas Hayom* of *Shabbos* is not in any way contingent upon the *Kedushas Hayom* of *Rosh Chodesh*, and vice versa. The two can exist separately, as they often do. Similarly, whenever both occur on the same day they co-exist; however, the *Kedushas Hayom* of each are not integrated together. They remain independent. Accordingly, in the *Tefillas Mussaf* recited on the day in which *Shabbos* occurs on *Rosh Chodesh*, both the *Passukim* describing the *Mussaf* of *Shabbos*, as well as the *Passukim* describing the *Mussaf* of *Rosh Chodesh*, are recited.

⁸⁹ The problem is even further compounded by the *Halachic* ruling given by both *Rabbeinu Tam* and other *Rishonim* in *אילמא ד"ה ע"א ל"ה דף*, תוספות ראש השנה דף ל"ה ע"א ד"ה אילמא, that one who neglects to recite any of the *Passukim* in *Tefillas Mussaf*, generally, on either *Rosh Chodesh* or any other Holiday, and merely says *ככתוב בתורתך* has satisfied even the Rabbinical obligation to recite the *Passukim*.

⁹⁰ This topic is also exhaustively explained in 51 נוראות הרב ח"א עמוד.

(61) Is the same true of *Rosh Hashanah* which always occurs on *Rosh Chodesh Tishrei*? Does the fact that *Rosh Hashanah* always occurs on *Rosh Chodesh Tishrei* alter somehow the *Kedushas Hayom* of *Rosh Chodesh*? Or, is the *Kedushas Hayom* of *Rosh Hashanah* distinct from the *Kedushas Hayom* of *Rosh Chodesh*?

(62) If the former view is correct, there is only one *Kedushas Hayom* that embraces both *Rosh Hashanah* and *Rosh Chodesh*. The *Kedushas Hayom* of *Rosh Chodesh* is subsumed under the *Kedushas Hayom* of *Rosh Hashanah*. Moreover, the reason why the *Mussafim* of *Rosh Chodesh* are offered on *Rosh Hashanah* is not because that day is a *Rosh Chodesh*, similar to other *Roshei Chadashim* in which those animals are offered. Rather, the unique *Kedushas Hayom* of *Rosh Chodesh Tishrei*, which is subsumed under the *Kedushas Hayom* of *Rosh Hashanah*, requires the offering of two separate sets of *Mussafim*. One set is, coincidentally, identical with those generally offered on *Rosh Chodesh*, and the second set is that which is unique to *Rosh Hashanah*. However, the first set, which mirrors the *Karbonos* normally offered on *Rosh Chodesh*, is not offered because of the separate *Kedushas Hayom* of *Rosh Chodesh*; it is offered solely because of this special *Kedushas Hayom* of *Rosh Hashanah*.

In other words, the *Mussafim* of *Rosh Chodesh* offered on *Rosh Hashanah* are not offered because that day is *Rosh Chodesh*. Rather, they are offered because *Rosh Hashanah* requires the offering of two sets of *Karbonos*; one that is identical to the *Karbonos* normally offered on *Rosh Chodesh*, and the other which is unique to *Rosh Hashanah*. However, both sets are offered only because of the *Kedushas Hayom* of *Rosh Hashanah* (which also includes that of *Rosh Chodesh*).

THE KEDUSHAS HAYOM OF ROSH CHODESH IS SUBSUMED UNDER THAT OF ROSH HASHANAH.

(63) *Rabbeinu Tam* accepts this approach. *Rosh Hashanah* is labeled as חג בו since *Rosh Hashanah* has a unique *Kedushas Hayom*. It is not vested with a *Kedushas Hayom* of *Rosh Chodesh*. The Holiday of *Rosh Hashanah* is not a Holiday of *Rosh Chodesh*. It is a unique Holiday of *Rosh Hashanah*, and this Holiday has different requirements as far as the *Mussafim* are concerned.

In later generations, when the *Tefillas Mussaf* was instituted and the *Passukim* of the *Mussaf* were required to be recited therein, *Chazal* stipulated that the *Mussaf* of *Rosh Chodesh* be referred to parenthetically. They reasoned that the *Mussafim* were offered, not because the day is *Rosh Chodesh*, but because the day has a unique *Kedushas Hayom*, and this unique *Kedushas Hayom* requires the offering of the same *Mussafim* that are generally offered on *Rosh Chodesh*. Had *Chazal* required that the *Passukim* of ובראשי חודשיכם normally recited on *Rosh Chodesh*, also be recited on *Rosh Hashanah*, it would have led to the erroneous conclusion that the *Kedushas Hayom* of *Rosh Chodesh* is separate and apart from the *Kedushas Hayom* of *Rosh Hashanah*. To emphasize that this is not the case, the *Passukim* of ובראשי חודשיכם are not recited. Only the *Passukim* dealing with *Rosh Hashanah* are recited. Among those *Passukim* is the *Torah's* oblique reference to the *Mussafim* of *Rosh Chodesh*, which are offered not because the day is endowed with the *Kedushas Hayom* of *Rosh Chodesh*, but because the Holiday of *Rosh Hashanah* requires the offering of *Karbanos* which, by chance, or otherwise, are identical with those normally offered on *Rosh Chodesh*.

(64) It is for this reason that *Rosh Hashanah* is referred to in the *Tefillah* as the יום הזכרון. The phrase יום הזכרון means a day which is endowed with both the *Kedushas Hayom* of *Rosh Hashanah* as well as that of *Rosh Chodesh*, as the *Gemara* says:⁹¹

המתפלל בראש השנה מה הוא להזכיר ראש חודש? כיון דחלוקין
במוספין אמרינן או דלמא זכרון אחד עולה לכאן ולכאן?
*Must one who prays on Rosh Hashanah acknowledge the Rosh
Chodesh feature of this day or not? Should Rosh Chodesh be
mentioned because of its unique Karbonos or does a reference to
יום הזכרון include both Rosh Chodesh as well as Rosh
Hashanah?*

The *Gemara*'s question is based upon the foregoing controversy. If *Rosh Hashanah* and *Rosh Chodesh* operate independently, and invest that day with two different *Kedushos Hayom*, then it would be obligatory to mention both *Rosh Chodesh* and *Rosh Hashanah*. However, if that day is endowed with only one *Kedushas Hayom* (which includes both *Rosh Chodesh* and *Rosh Hashanah*) then the word זכרון encompasses both. The latter opinion was accepted, and the Holiday is referred to as יום הזכרון, which denotes that this *Kedushas Hayom* is one single *Kedushas Hayom* (which precipitates the offering of two separate sets of *Mussafim*).

(65) The Rav added that the word זכרון is appropriately employed to describe this single indivisible *Kedushas Hayom* of *Rosh Hashanah*, since both *Rosh Hashanah* and *Rosh Chodesh* are called זכרון. *Rosh Chodesh* is referred to as זכרון לכם והיו⁹² and *Rosh Hashanah* is referred to as זכרון תרועה. Thus, the term יום הזכרון means the Holiday which comprises one single indivisible *Kedushas Hayom* and not two separate *Kedushos Hayom*.

⁹¹ מסכת עירובין דף מ' ע"א.

⁹² במדבר: י"י.

THE KEDUSHAS HAYOM OF ROSH HASHANAH EXPRESSES ITSELF WITH מלכות.

(66) The theme of *Rosh Hashanah* is מלכות, G-d's sovereignty over the world.

Thus, the conclusion of the *Bracha* of the *Kedushas Hayom* on *Rosh Hashanah* is:

מלך על כל הארץ מקדש ישראל ויום הזכרון.
G-d is the King of the World who sanctifies the Jews and Rosh Hashanah.

The חיי אדם⁹³ discusses the situation of one who concluded with the words, ברוך אתה ה', מקדש ישראל ויום הזכרון, instead of with the words מלך על כל הארץ. The חיי אדם states that the omission would not be fatal except in the *Bracha* of מלכות in *Mussaf*. The גרי"ח often told the גרי"מ ז"ל that the חיי אדם ruling was incorrect. The גרי"ח ruled that the omission of מלך על כל הארץ in any of the *Tefillos* of *Rosh Hashanah* is fatal, and would necessitate the repetition of the *Shemoneh Esrei*. He reasoned that on *Rosh Hashanah* the theme of מלכות is inextricably interwoven with the *Kedushas Hayom* of *Rosh Hashanah*. The *Kedushas Hayom* of *Rosh Hashanah* expresses itself in מלכות in the same fashion that the *Kedushas Hayom* of *Rosh Hashanah* is denominated as יום הזכרון. This has many philosophical and *Halachic* consequences. Thus, one who omitted מלך על כל הארץ did not correctly describe the *Kedushas Hayom* of יום הזכרון and must repeat the *Shemoneh Esrei*.

(67) It is for this reason that R' Akiva rules⁹⁴ that in the *Mussaf Shemoneh Esrei*, the *Bracha* of מלכות should be merged with that of the *Kedushas Hayom* (i.e. in the *Bracha* which concludes יום הזכרון). R' Akiva maintains that this

⁹³ See also כ"ד סעיף י"י. See also ספר ארץ הצבי סימן ה' אות ד'. [Editor's Note]

⁹⁴ See מסכת ראש השנה דף ל"ב ע"א.

should be implemented insofar as the *Kedushas Hayom* of *Rosh Hashanah* expresses itself with מלכיות (i.e. in the acceptance of G-d's sovereignty).⁹⁵

The Rav mentioned that even *R' Yochanan Ben Nuri*, who rules that the *Bracha* of מלכיות should be merged with that of *Kedushas Hashem* (i.e. the third *Bracha* of the *Shemoneh Esrei* and the one which concludes בא"י המלך הקדוש), concedes that the *Kedushas Hayom* of *Rosh Hashanah* expresses itself in מלכיות. *R' Yochanan Ben Nuri* elects not to merge מלכיות with the *Bracha* of *Kedushas Hayom* for another reason. He maintains that since there are two *Brachos* in the *Shemoneh Esrei* which contain themes of מלכיות, namely, that of *Kedushas Hashem* (which concludes with המלך הקדוש) and that of *Kedushas Hayom* (which concludes with מלך על כל הארץ מקדש ישראל ויום הזכרון), either *Bracha* of *Kedushas Hashem* or *Kedushas Hayom* may appropriately be merged with מלכיות. However, he maintains that it is more appropriate to merge מלכיות with the *Bracha* of *Kedushas Hashem*, since that is the first *Bracha* in which the מלכיות theme is expressed, and it is always preferable to implement a *Mitzvah* at the first opportunity (אין מעבירין על המצוות).

מלכיות, זכרונות, ושופרות, THE TRIPARTITE STRUCTURE OF THE BRACHA OF

(68) The *Brachos* of ושופרות, זכרונות, מלכיות have a tripartite structure. The first component is the descriptive. It is a declaration of our faith. Thus, the Paragraph of ועל כן נקוה לך is our declaration that the dominion of G-d will be recognized by all of mankind. It is not a petition; it is merely a description. We describe our belief that, at the end of days, there will come a time when all evil will be eradicated, and the world will be

⁹⁵ The controversy between *R' Akiva* and *R' Yochanan Ben Nuri*, and the arrangement of the *Shemoneh Esrei* according to each one, is exhaustively discussed in עמוד 170 וח"י עמוד 270. [Editor's Note]

corrected through the coronation of G-d, the true King. All of mankind will recognize the truth. It is a profession of our faith and our אמונה.⁹⁶

(69) The second component is the proof of the validity of the declaration, which is offered from various *Passukim*. We thus recite:

ככתוב בתורתך... ובדברי קדשך כתוב לאמר,
It is so written in the Torah... In your Holy Book is written...

and,

על ידי עבדך הנביאים כתוב לאמר.⁹⁷
Your Prophets have written...

(70) The third component is our supplication and petition that our faith and declaration be soon realized. The latter component is found in the final Paragraph of each of the *Brachos* of ושופרות, וזכרונות, ומלכיות and is couched in petitional form. Thus, the conclusion of מלכיות reads:

אלוקינו ואלוקי אבותינו מלוך על כל העולם כולו בכבודך.
G-d should rule over the world with His dignity.

The conclusion of זכרונות reads:

אלוקינו ואלוקי אבותינו זכרנו בזכרון טוב לפניך.
G-d should judge us favorably

The conclusion of שופרות reads:

אלוקינו ואלוקי אבותינו תקע בשופר גדול לחירותינו.
G-d should once again re-establish His supremacy in the world and resume His נבואה relationship.

(71) Thus, the *Bracha* of מלכיות details our faith in יהוה and in a monotheistic religion. It cites various *Passukim* and concludes with

⁹⁶ The ספר העקרים (מאמר אי פייד) writes that the *Brachos* of ושופרות, וזכרונות, ומלכיות allude to the three main Principles of the Judaic faith, namely, the belief in monotheism, the transmission of the *Torah* from G-d directly to the Jews, and G-d's supervision of all of humankind.

⁹⁷ Each *Passuk* is repeated three times because the number three establishes a pattern (i.e. a חזקה).

בא"י מלך על כל הארץ מקדש ישראל ויום הזכרון
G-d should rule over the land and consecrate His people.

Similarly, the *Bracha* of זכרונות contains our profession of faith that G-d supervises in detail all of the activities of humankind. He rewards those who are deserving and punishes those who are culpable. This is the principle of השגחה פרטית so beautifully articulated by the *Rambam*.⁹⁸ G-d is full of *Chesed*. He supervises all of His creatures and rewards and punishes them precisely. There is then cited various *Passukim* from the *Torah* relating to נח and the אבות. It concludes with

בא"י זוכר הברית
G-d, remember the covenant and judge us with mercy and kindness.

The same is true of the *Bracha* of שופרות. In that *Bracha* we profess our faith in נבואה (i.e. that G-d speaks to man and provides him with instruction). We prove this from *Passukim* which relate that in the past there was גילוי שכינה, *a time when G-d communicated with man*, and the same will occur again. We then conclude with the petition of:

בא"י שומע קול תרועת עמו ישראל.
G-d should listen to the prayers of the Jew and resume His relationship with us.

⁹⁸ See פרק א' מהלכות יסודי התורה הלכה א': יסוד היסודות ועמוד החכמות

THE ROLE OF THE TENTH *PASSUK* CITED IN THE *BRACHOS* OF
מלכיות, זכרונות, ושופרות.

(72) Each *Bracha* contains three *Passukim* from the *Torah*, three from *Tehillim* and three from the *Neviim*. A tenth *Passuk* from *Torah* is then cited.

In the *Bracha* of זכרונות and שופרות, the tenth *Passuk* is included within the third component of petition. Thus, the *Bracha* of זכרונות reads:

אלוקינו ואלוקי אבותינו זכרנו בזכרון טוב לפניך...וקיים לנו
שהבטחתנו בתורתך כאמור וזכרתי להם ברית ראשונים וכו'.

Similarly, the *Bracha* of שופרות reads:

אלוקינו ואלוקי אבותינו תקע בשופר גדול לחרותנו וכו' כאמור וביום
שמחתכם וכו'.

Apparently, the role of the tenth *Passuk* differs from that of the preceding nine. The nine *Passukim* are offered only as proof of the declaration of faith. The tenth *Passuk*, on the other hand, is recited together with the petition that G-d should fulfill the declaration previously recited. The tenth *Passuk* cited is one in which G-d has promised to comply with that request. Thus, the *Passuk* is recited to supplement the petition and not as proof of our faith. For example, the petition of זכרונות is for G-d to judge us mercifully and to recall His covenant. The tenth *Passuk* is then cited which states G-d's promise to comply with His covenant.

(73) As a matter of fact, the first person who demanded that G-d implement His prior promise was *Moshe Rabbeinu*, who exhorted G-d:

זכור לאברהם, ליצחק, ולישראל עבדך אשר נשבעת להם... ותדבר
אליהם ארבה את זרעכם ככוכבי השמים...(שמות: ל"ב, י"ג).
*Remember what You have promised to Your servants, Abraham,
Isaac and Israel. You spoke to them and You promised them that
You will cause their children to multiply as the stars in the sky.*

In other words, *Moshe* set the precedent for exhorting G-d to implement something by citing G-d's prior promise and petitioning Him to comply with His undertaking. It was this exhortation of *Moshe* and *Moshe's* reminder of G-d's prior promise that resulted in וינחם ה' על הרע, *G-d repented from the evil which He planned to inflict on the Jews*. In conformance with this, every *Tefillah* must contain a *Passuk* in which the subject of the *Tefillah* is mentioned and which states that G-d will implement that promise. Citing a *Passuk* thus lends credence to the petition.

The same is true of the *Bracha* of שופרות. The tenth *Passuk* is included within the petitional portion of the *Bracha*. It reads:

אלוקינו ואלוקי אבותינו תקע בשופר גדול כאמור וביום שמחתכם
וכו'.

(74) The structure of the *Bracha* of מלכיות differs from that of זכרונות and שופרות in that the last *Passuk* (i.e. the *Passuk* of שמע ישראל וכו') is not contained within the petitional portion of the *Bracha* of כלו העולם מלוך על כל העולם. Rather, it immediately precedes the *Bracha* of אלוקי אבותינו בכבוד.

The obvious question is why does the structure of the *Bracha* of מלכיות differ from that of זכרונות and שופרות? Why isn't the tenth *Passuk* included within the petitional section of ...אלוקינו ואלוקי אבותינו מלוך על כל העולם?

(75) The Rav answered that the *Brachos* of זכרונות and שופרות were specifically introduced for the *Mussaf* of *Rosh Hashanah*. The *Bracha* of מלכיות (i.e. that of אלוקי אבותינו ואלוקי אבותינו מלוך על כל העולם) however, is utilized for each of the *Tefillos* of *Rosh Hashanah*, for *Maariv*, *Minchah* and *Shacharis*. The *Bracha* of אלוקי אבותינו is, in effect, the *Bracha* of *Kedushas Hayom* recited in each of

the *Tefillos*. Accordingly, even though in *Mussaf* it is merged with מלכיות, the text of that *Bracha* could not be altered. *Chazal* did the next best thing and placed the tenth *Passuk* immediately prior to the recitation of אלוקיננו ואלוקי אבותינו.

(76) Because of this, the Rav cautioned that the *Passuk* of שמע ישראל ה' must be recited in one breath with the commencement of the *Bracha* of אחד אלוקיננו ה' אחד. אלוקיננו ואלוקי אבותינו מלוך על כל העולם. There should be no interruption between the *Passuk* of שמע ישראל ה' אלוקיננו ה' אחד and the *Bracha* of מלוך על אלוקי אבותינו מלוך על כל העולם. The *Passuk* of שמע ישראל וכו' is recited as a petition. It is not recited as proof. *Rashi* interprets the *Passuk* of שמע ישראל ה' אלוקיננו ה' אחד as a petition that the G-d who is now our G-d should become the G-d of all humanity. It is the prelude to our exhortation that מלוך על כל העולם כולו בכבודך, G-d should implement, finally, what He has promised in the *Passuk* of שמע ישראל, namely, that all of humanity recognize Him.

THE RATIONALE BEHIND R' AKIVA'S QUESTION THAT NINE PASSUKIM BE RECITED WITHIN THE BRACHA OF מלכיות.

(77) Based on the forgoing, the Rav explained a very enigmatic *Gemara*,⁹⁹ in which is recorded a dialogue between *R' Akiva* and *R' Yochanan Ben Nuri*. *R' Yochanan Ben Nuri* maintained that even though the *Bracha* of מלכיות is merged with the *Bracha* of *Kedushas Hashem*, nonetheless, the *Shofar* is not blown until after the conclusion of the *Bracha* of the *Kedushas Hayom*. *R' Akiva* then asked him:

אם אינו תוקע למלכיות למה הוא מזכיר?
If he does not sound the Shofar at the Bracha of מלכיות, why does he recite any Passukim?

The *Gemara* interpreted the question as follows:

⁹⁹ See מסורה חוברת ב' עמוד י"ד; וחוברת י"ד עמוד ג'; נוראות הרב ח"א. מסכת ראש השנה דף ל"ב ע"א. See also עמוד 178-179. [Editor's Note]

למה עשר לימא תשע דהואיל ואשתני אשתני?
 If he does not blow the *Shofar* following the *Bracha* of מלכיות
 (as merged with that of *Kedushas Hashem*), why does he recite
 ten *Passukim*? Once it has been altered, he should only recite
 nine *Passukim*.

The *Gemara* explained that *R' Akiva* had questioned why *R' Yochanan Ben Nuri* recited ten *Passukim* in the *Bracha* of מלכיות. He should have recited nine *Passukim* and not ten *Passukim*, since something has been changed, namely, that the *Shofar* is not sounded until after the *Bracha* of *Kedushas Hayom*.

The obvious question is what does one have to do with the other? Why should nine *Passukim* be recited, instead of ten *Passukim*, just because the sounding of the *Shofar* is deferred until the next *Bracha*?

(78) The *Rav* answered that *R' Yochanan Ben Nuri's* ruling that the *Shofar* should be deferred until after the *Bracha* of *Kedushas Hayom*, and should not be sounded after the *Bracha* of מלכיות (as merged with the *Bracha* of *Kedushas Hashem*), is predicated on the different *Kiyumim* which inhere in the *Mitzvah* of *Shofar*. In truth, the תקיעות דמיושב and תקיעות דמעומד comprise different *Kiyumim*. The *Kiyum* realized by the תקיעות דמיושב is that of the raw *Mitzvah* of hearing the *Shofar* (i.e. שמיעת קול שופר). The *Kiyum* obtained by the תקיעות דמעומד, however, is more than that. It is also a *Kiyum* of *Tefillah*.

The *Ramban*¹⁰⁰ explains that the *Mitzvah* of blowing the *Shofar* within the framework of the *Brachos* of ושופרות, זכרונות, מלכיות originates from the *Mitzvah* that חצוצרות, trumpets, be blown on a ציבור. The latter is based on the *Passuk* of:

¹⁰⁰ See מלחמות ה' דף י"א מדפי הר"י.

על הצר הצורך אתכם והרעותם בחצוצרות.
*When you are confronted with disaster you must sound the trumpets.*¹⁰¹

That *Passuk* requires that חצוצרות be blown in times of distress in order to promote *Teshuvah*. Similarly, *Shofar* has an element of זעקה, in that it too facilitates *Teshuvah*. It is for this reason that when the *Gemara* at times discusses the *Mitzvah* to sound the *Shofar*, it uses the term מריעין (a derivative of והרעותם) and not תוקעין.¹⁰²

The Rav explained that blowing the *Shofar* during *Shemoneh Esrei* is a *Kiyum* of *Tefillah*. One prays through the sound of the *Shofar*. Similarly, the *Rambam* writes,

מצוות עשה לזעוק ולהריע בחצוצרות על כל צרה.¹⁰³
One is obligated to sound the trumpets in times of distress.

The *Mitzvah* of חצוצרות is not merely to sound חצוצרות, but לזעוק, to petition G-d and pray to G-d through the medium of sound. Similarly, the *Ramban* maintains that the *Kiyum* of דמעומד שופר דמקיעות is a *Kiyum* of *Tefillah*, of praying and petitioning G-d through the *Shofar*.

(79) In other words, just as the tenth *Passuk* in each of the *Brachos* of מלכיות, is an integral part of the petition, so too, the *Shofar* also constitutes petition. Thus, the *Shofar* and the tenth *Passuk*, both of which comprise בקשה, should be juxtaposed.

ACCORDING TO R' YOCHANAN BEN NURI, THE BRACHA OF מלכיות DID NOT CONTAIN ANY PETITIONAL COMPONENTS.

(80) *R' Yochanan Ben Nuri* rules that the *Bracha* of מלכיות should be merged with the *Bracha* of *Kedushas Hashem* (i.e. the third *Bracha* of the *Shemoneh Esrei* which

¹⁰¹ במדבר יג, ט.

¹⁰² For example, the *Gemara*, מסכת ראש השנה דף ט"ז ע"א, asks: למה מריעין?

¹⁰³ See פרק אי מהלכות תענית ה"א.

concludes with (בא"י המלך הקדוש). However, this posed a dilemma insofar as petition can not be advanced within the first three *Brachos* of the *Shemoneh Esrei*.¹⁰⁴ The first three *Brachos* of *Shemoneh Esrei* constitute praise of G-d, and petition can not be inserted therein. Thus, *R' Yochanan Ben Nuri* was compelled to remove all elements of petition from the *Bracha* of מלכיות, when merged with the *Bracha* of *Kedushas Hashem*.

(81) Interestingly, the *Brachos* of ובכן תן פחדך (which are remnants of the merger of the *Bracha* of מלכיות with that of *Kedushas Hashem*, as practiced by *R' Yochanan Ben Nuri*)¹⁰⁵ can not be understood as ובכן תן, *You (G-d) should instill Your fear*, since, as noted, petition can not be pronounced during the *Bracha* of *Kedushas Hashem*. Rather *R' Yochanan Ben Nuri* translated it as ובכן אנו מאמינים שתתן, *We believe that You will eventually implement Your promise to instill fear in all of mankind*. ובכן תתן is used in the descriptive sense of what will occur in the future. It is a declaration of faith and not a petition.¹⁰⁶ Though our custom has adopted the view of *R' Akiva*, we, nonetheless, retain all of the declarations of faith, as arranged by *R' Yochanan Ben Nuri*, in the *Bracha* of *Kedushas Hashem*.

(82) After the four paragraphs of ובכן, which conclude with the words ותמלוך ... אתה הי' לבדך... *R' Yochanan Ben Nuri* recited *Passukim* from *Torah*, *Tehillim*, and *Neviim*.¹⁰⁷ He then recited קדוש אתה ונורא שמך וכי, the conclusion of the *Bracha* of מלכיות (as merged with *Kedushas Hashem*). However, instead of concluding בכתוב (as is our practice, in conformance with the view of *R' Akiva*),

¹⁰⁴ See מסכת ברכות דף ל"ד ע"א.

¹⁰⁵ See 277 ספר נפש הרב עמוד כ"ב (אות ב'); מסורה חוברת ב' עמוד י"ג; ספר נוראות הרב ח"ו עמוד 277. [Editor's Note]

¹⁰⁶ The same is true of the *Bracha* of ועל כן נקוה. It is identical in structure as the Paragraphs of ובכן תן פחדך and the other ובכן Paragraphs. All are declarations of faith.

¹⁰⁷ According to our custom, which retains remnants of *R' Yochanan Ben Nuri*'s arrangement, the *Passuk*

he recited the tenth *Passuk* of אחד ה' אלוקינו ה' שמע ישראל ... ככתוב בתורתך.¹⁰⁸ It must be underscored that this paragraph is also not petitional, since it is part of the שלש ראשונות. He then concluded the *Bracha* with the חתימה of המלך הקדוש.

Similarly, *R' Yochanan Ben Nuri* conceded that the *Shofar* should be deferred until after the *Bracha* of *Kedushas Hayom*. It could not be sounded after the *Bracha* of מלכיות, as merged with the *Bracha* of *Kedushas Hashem*. He reasoned that since תקיעת שופר is also a petition (albeit, one without words), it can not be sounded following the *Bracha* of *Kedushas Hashem* since petitions can not be advanced in this *Bracha*. Insofar as the תקיעות constitute זעקה, petition, the תקיעות can not be produced unless petition can be offered.¹⁰⁹

(83) In conclusion, according to *R' Yochanan Ben Nuri*, the *Bracha* of מלכיות, as merged with the *Bracha* of *Kedushas Hashem*, contains only two components, namely, a declaration of faith and the supporting *Passukim*. It can not contain any elements of petition, since petition can not be introduced within the שלש ראשונות. Similarly, *Shofar*, which is also זעקה, can not be sounded after that *Bracha*.

(84) *R' Akiva*, therefore, raised the following question: *R' Yochanan Ben Nuri* concedes that the *Shofar* is not sounded until after the conclusion of the *Bracha* of *Kedushas Hayom*, and not after the *Bracha* of מלכיות, since *Shofar* constitutes petition. Thus, it follows that the tenth *Passuk* of מלכיות, which also constitutes petition, should

of ימלוך ה' לעולם is recited. *R' Yochanan Ben Nuri*, however, recited all nine *Passukim* at this juncture.

¹⁰⁸ *R' Yochanan Ben Nuri* did not interpret the *Passuk* of שמע ישראל as a petition, but as a declaration of faith. As noted, the *Bracha* of *Kedushas Hashem* can not contain petitions.

¹⁰⁹ In other *Shiurim* the Rav added that *R' Yochanan Ben Nuri* deferred sounding the *Shofar* until after the *Bracha* of *Kedushas Hayom* insofar as that *Bracha* concludes with the phrase מלך על כל הארץ, and it is appropriate that the *Shofar* of מלכיות embrace all components of the *Shemoneh Esrei* which describe מלכיות motifs. See, e.g. עמוד ג-ד. [Editor's Note]

likewise be omitted. The *Bracha* of מלכיות should, thus, only contain nine *Passukim*, and not ten *Passukim*, since the tenth *Passuk* is also a component of the petitional portion of the *Bracha* and can not be recited within the *Bracha* of *Kedushas Hashem*. Why, then, are ten *Passukim* recited?

(85) The basis for his question is דהואיל דאישתני אשתני, *once it has been altered only nine Passukim should be recited*. Since the *Bracha* of מלכיות differs from those of זכרונות and שופרות in that תקיעת שופר cannot take place after its recitation (insofar as מלכיות is merged with one of the first three *Brachos* in which petition can not be offered), it should likewise follow that the tenth *Passuk*, which is recited as petition, should also be omitted.

נשמה פנימית THE MYSTERIOUS GESTURE OF THE SHOFAR AROUSES THE

(86) *Shofar* is a קיום תפילה, *a component of the Mitzvah of Prayer*. Why does the *Torah* demand that one who is in an עת צרה, *a time of distress*, petition G-d through the תרועה of a *Shofar* or חצוצרות?

The בעל התניא¹¹⁰ explains that the *Mitzvah* of *Shofar* is to blow a קול פשוט, *a single note*. Every Jew has a רעותא דליבא, a certain essence in which his נשמה פנימית resides and which can never be corrupted. If the נשמה פנימית would be corrupted, *Teshuvah* could never be effected. A sinner could not be converted into a saint if his inner essence did not remain pure. *Teshuvah* is obtainable only because the core of the sinner's persona, his נשמה פנימית, remains pure and uncorrupted. *Teshuvah* then operates to extend that purity to the balance of the sinner's personality.¹¹¹

¹¹⁰ See ספר לקוטי תורה דרושים לראש השנה עמוד 116; וספר אגרת הקודש פרק כ"ו.

¹¹¹ In זוהר פרשת לך לך (דף פ"ג ע"ב), the Rav quoted the (אלול, תשובה) כינוס תשובה, who refers to this core as נהורא סתימאה, *the mysterious light*. In that *Shiur* he detailed the other stages of *Teshuvah* which affect

(87) רב דובער¹¹² (דער מיטלער רבי) זצ"ל quotes the *Passuk*:¹¹³

אם יהיה נדחך בקצה השמים משם יקבצך ה' אלוקיך.
G-d will re-gather all of His diverse flock from all corners fo the globe.

He notes that the *Passuk* is written in the singular (i.e. נדחך) and not in the plural (i.e. נדחכים). This is puzzling since the *Torah* is seemingly addressing all of the many lost Jews. Why, then, did it employ the singular term?

רב דובער explains that the *Torah* was not referring to the physical exile of the Jewish People, but to the spiritual exile of each individual. Spiritual exile occurs when a person is imprisoned within himself, when his נשמה פנימית is held captive by the other portions of the body. One who is afraid to identify with his נשמה פנימית can not do *Teshuvah*; he will never repent. He will remain captive to himself. Being held captive by oneself is worse than being enslaved by others. When a person refuses to comply with the will of G-d, he enslaves his נשמה פנימית in the most pernicious form of self-enslavement.

People too often wish to be somebody other than themselves. They often want to become the person whom others regard in high esteem instead of identifying with their own unique personality and with their נשמה פנימית. This is such a foolish desire; it is immaterial what others think of one. The key is to recognize one's true personality that lies within the נשמה פנימית, *the inner recesses of one's soul*.

the נפש and רוח (i.e. *the intellectual and emotional components of the person*). These parallel the sentiments of אנינות (i.e. *the instinctual response to tragedy*) and אבילות (i.e. *the intellectual assessment of loss*). However, the *Teshuvah* of the נשמה, the נהורא סתימאה, is represented by the הי לאחר שיחטא האדם. This enables the sinner to elevate himself unnaturally and become a צדיק. This represents the magnitude of G-d's kindness and is reflected in the paragraph of קל ארך אפים.

¹¹² See ספר שער התשובה שערי תשובה דף ג' טור א.

¹¹³ See דברים: ל', ד'.

repent so that the punishment meted by G-d be rescinded and the situation abated. There is no greater *עת צרה* than on *Rosh Hashanah* and *Yom Kippur*, the judgement day for humanity. On those days, one is obligated to engage in *Teshuvah* so that he be judged favorably and not be held liable for his numerous iniquities. An *עת צרה* is not limited to physical danger and vulnerability; spiritual danger is also classified as an *עת צרה*. As such, there is no greater *עת צרה* than on *Rosh Hashanah* and *Yom Kippur*.¹¹⁴

(90) Practicing Rabbis should be acutely sensitive to the tragic consequences of not being understood, of religious ills and of the severing of ties with G-d. This emotional pain is as harmful as physical pain. Rabbis are misunderstood by their communities and by the population in general. Their response to this should be *ממעמקים* *קראתיך ה'*. Whenever man is in distress, his *נשמה פנימית* (i.e. the *מעמקים*) must plead with G-d for delivery. He must not plead with G-d with his *נשמה חיצונית*. His true personality must be established, and only his real personality must engage in *שבתי עד ה'* *אלוקיך*. He must re-assert himself. He must engage in *Teshuvah* and live up to his potential. He must tear away all of the false layers that obscure his true personality. This involves cutting through the layers that one adopts in everyday existence: a person engages in business; he has social interactions and so forth. The key is to cut through these layers, uncover one's true personality and approach G-d with the *נשמה פנימית*.

¹¹⁴ In other *Shiurim*, the Rav noted that *Yom Kippur* is considered a *תענית צבור*. He added that *תפילת נעילה* is recited on *Yom Kippur* solely because of its classification as a *תענית צבור*. Just as *נעילה* is recited on a *תענית צבור*, so, too, it is recited on *Yom Kippur*. *Yom Kippur* is classified as a *תענית צבור* since *חטא, sin*, results in *סילוק שכינה*, *the severing of the bond between G-d and Jew*. This severance is the most tragic form of *עת צרה*, even though it is limited to one's spiritual well being and not necessarily to one's physical well being. However, *סילוק שכינה* is such a tragic state of events that it is also deemed to be an *עת צרה*, and, as by all other *צרות צרה*, requires the imposition of a *תענית צבור*.

In the inner-recesses of one's soul, one recognizes his true personality. The *Passuk* of אִם יִהְיֶה נִדְחָךְ בַּקְצָה הַשָּׁמַיִם מִשָּׁם יִקְבֹּצְךָ ה' אֱלֹהֶיךָ, exhorts the sinner to remember that his נשמה פנימית is hidden, and that his job is to ensure that the נשמה פנימית emerge. In order to repent and obtain *Teshuvah*, one must re-identify himself with that inner core of his personality. Similarly, to רב זרובעל צ"ל, the phrase, כל הנשמה תהלל, קה, does not refer to the numerous souls of diverse individuals. Rather, it refers to the inner soul, the נשמה פנימית, of each individual Jew. Each Jew is exhorted to identify with his נשמה פנימית and establish his true identity, his real personality. This נשמה פנימית knows the truth about the person, devoid of pretenses or false impressions.

(88) On a personal note, the Rav noted that he, like most people, often tries to hide his true personality. When he delivers a *Shiur* to a large audience, it is not always his נשמה פנימית that delivers that *Shiur*. Rather, he speaks in a manner that he believes other people will enjoy. He spices up his lecture with many different quotes, which do not necessarily clarify or support his theory, but which are colorful and have emotional appeal. If his נשמה פנימית had delivered the lecture, it would not have included all such extraneous matters, but would have gone straight to the heart of the subject without any mental detours. When *Moshe* delivered his ultimate profession of faith, he did so in one *Passuk*, שָׁמַע יִשְׂרָאֵל ה' אֱלֹהֵינוּ ה' אֶחָד. *Moshe* did not require elaborate lectures and torturous reasoning to establish his faith. He did so with one terse sentence. The outer layers of one's soul, the נשמה חיצונית, require elaboration and protracted lectures; the נשמה פנימית delivers its message succinctly.

(89) In truth, it is incumbent on each person to repent and engage in *Teshuvah* throughout the year. However, in times of distress, in an עת צרה, a person is obligated to

Each person wears many hats. Each person's personality has many layers. He engages in business. He engages in commerce. He has social interactions etc. However, he must strip these all away and approach G-d with his true personality, his נשמה פנימית.

THE נשמה פנימית CAN ONLY EXPRESS TESHUVAH THROUGH THE MEDIUM OF SOUND, AND NOT THROUGH SPEECH.

(91) Thus, in an עת צרה, it is insufficient for one to pray to G-d with speech. Speech itself is the product of the נשמה חיצונית. It is masked. It reflects only the external levels of one's personality and not one's true personality. It is devoid of truth. Man's vocabulary is woefully insufficient to express his true longing for G-d. The Psalmist says לך דמיה תהלה,¹⁵ *G-d's praises can never be fully expressed*. Man can never completely articulate his yearning for *Teshuvah*. Often, the more a person speaks, the more he obscures his true feelings. The נשמה פנימית can only express itself with the uncorrupted pure sound of a קול פשוט. The purest זעקה is that of קול פשוט, *a simple sound*.

The תרועה is classified by the *Gemara* as יילולי יליל, *wailing*, or גנוחי גנח, *groaning*. These sounds are not limited to human beings. Even animals omit sounds when they sense danger. The *Torah* demands that man disregard all of the external levels of his personality. Man must remove his false pretenses. He must strip away all of his different personalities and approach G-d from the נשמה פנימית, with a קול פשוט, *a simple voice*, devoid of any pretense, stripped of falsities, philosophies and intellectualizations, and conveying his true innermost feelings.

This can be accomplished only by employing the sound of animals, since animals can not lie. This true קול פשוט is produced in ממעמקים קראתיך ה'. It is the voice of the נשמה פנימית. It is not a פיוט. It is not a beautiful composition. It is not an articulate

prayer. It is merely the emission of a simple primitive sound, a קול פשוט, a sound which is true, faithful and not pretentious.

(92) The *Brachos* of זכרונות, ושופרות, מלכיות are the most beautiful prayers formulated by man.¹¹⁵ They are supported by the most eloquent *Passukim* found in the כתבי הקודש. This, however, is insufficient for G-d since no matter how beautiful or eloquent the prayers may be, one's נשמה פנימית can not fully participate. Prayers are a product of the נשמה חיצונית. Thus, we are obligated to sound the *Shofar* at the conclusion of each of זכרונות ושופרות, מלכיות, as the prayer of the נשמה פנימית. The *Shofar* is not the product of eloquent man. It is not the product of civilized man. It is not the product of cultured man. It is the product of the נשמה פנימית itself, devoid of philosophy and intellectualization. It is pure truth. *Yahadus* believes that man can and should attain high levels of culture, philosophy and progress. *Yahadus* does not want man to return to the primitive life style of the jungle. *Yahadus* wants man to be progressive and cultured. Man must offer the best of his accomplishments in the *Brachos* of מלכיות, זכרונות ושופרות. However, *Chazal* cautioned that man not forget that those are the products of the נשמה חיצונית. They, therefore, urged that he must pray with his נשמה פנימית, and must offer the prayer of the קול פשוט.

¹¹⁵ See תהילים: ס"ח, ב'.

¹¹⁶ The German Priest, *Otto*, who was a rabid Anti-Semite, nonetheless conceded in his book, *The Idea of the Holy*, that of all the prayers which he examined, the most eloquent prayers, in which is best described G-d's magnitude, are those of the *Brachos* of זכרונות ושופרות, מלכיות.

In conclusion, the תקיעות דמעומד merges the most exalted prayers produced by the נשמה חיצונית with the pure prayers produced by the נשמה פנימית. *Rosh Hashanah* is, therefore, called יום הזכרון, which denotes man who finally realizes who he is and who discerns his true inner personality.

תושלביע

רעיונות על מלכיות, זכרונות, ושופרות
אלול, תשל"א
מאת הגרי"ד הלוי סולובייציק זצלה"ה
נרשם ונערך על ידי ברוך זוד שרייבר

INTRODUCTION.

(1) *Rosh Hashanah* is a very abstract Holiday. The philosophy and concepts which form the underpinning of the Holiday are very exalted and quite complex. The תפילות of *Rosh Hashanah* set forth the basic tenets of אמונה. Though the Orthodox American Jew is very observant and meticulous in his external observance, he lacks אמונה; he does not fully understand what אמונה is. He regards אמונה merely as faith. So if, G-d forbid, one of his family members takes ill, he will run to the Synagogue and recite a מי שברך. That is how his אמונה expresses itself. However, אמונה is much more than that. אמונה is the belief and understanding of the uniqueness of our Jewish destiny, of our historical experience, and of our hopes and visions as far as the future is concerned. The *Brachos* of ושופרות, זכרונות, ומלכיות not only express the essence of the Holiday, but that of Jewish destiny and Jewish philosophy. That is why *Rosh Hashanah*, in which this אמונה is expressed, is the most exalted Holiday in the Jewish calendar. *Yom Kippur* is more understandable. *Yom Kippur* deals with the concepts of sin and forgiveness. One commits crimes, and then regrets, repents and exhorts G-d to forgive and grant him expiation. *Rosh Hashanah*, on the other hand, expresses the philosophy of our אמונה and is, therefore, much more difficult to comprehend.

THE FIRST DEFINITION OF מלכיות DENOTES THAT G-D IS THE ORIGIN OF EXISTENCE.

(2) The motto of *Rosh Hashanah* is מלכיות. What does מלכות or מלכיות mean? מלכיות has three meanings. First, מלכיות means יוצר עולם, *G-d is the King of the*

world. G-d is the Creator of the world. He was alone before the world was created. He is the only one who determines life. His existence is singular and unique. G-d is existence par excellence. If something does exist, if creatures do exist, if handiwork exists, if the world exists, if the universe exists, from our globe up to the outer reaches of the cosmos, it is because all participate in the existence of G-d, because G-d, כביכול, shares His existence with them. But there is actually one existence, one reality, namely, G-d's reality. That is why when Moshe inquired as to G-d's name, G-d answered: אהיה אשר אהיה.¹ "You ask Me what My name is. My name is existence, reality, par excellence." To exist means to participate in G-d, to share in G-d, to be close to Him, to associate and befriend Him and to experience the link between man and G-d.

In other words, whatever exists has its roots in G-d, who sustains finite beings by permitting them to partake of His infinite being. G-d created the world. He sustains the world, and the world exists because G-d is kind, good and merciful, and permits the world to share with Him.

THE SECOND DEFINITION OF מלכות DENOTES G-D'S OWNERSHIP OF THE WORLD.

(3) מלכות has a second meaning as well, namely, that the world belongs to G-d in a juridical sense. G-d is the Lord and owner of the world in the plain sense of civil law. The Creator retains the right to His handiwork. This concept plays a great role in *Yahadus*. G-d owns the world. It is His.

THE PASSUK OF לה' הארץ ומלואה REFLECTS THE THIRD CONCEPT OF מלכות THAT THE UNIVERSE IS CONSECRATED TO G-D.

(4) מלכות has a third meaning as well. *Yahadus* taught that since the world is the property of G-d, it is also consecrated, hallowed and dedicated to Him. Whatever

¹ See שמות: ה', ייד.

belongs to G-d is הקדוש, *sacred*. Since the whole world belongs to G-d, it follows that the world is consecrated to G-d.

(5) Interestingly, when David wrote that the world belongs to G-d, it is His property, His domain, His estate, His realty, he used a very strange expression, לַהֲיָהּ הָאָרֶץ, *To G-d is the universe and its inhabitants*.² He did not employ the simple expression הַיְשֵׁל הָאָרֶץ הִיא שֵׁל הַיְ, *The land is G-d's*. If one wishes to say that this house belongs to me, he would not say לִי הַבַּיִת הַזֶּה, *To me belongs this house*. That would be grammatically cumbersome. Rather, he would say הַבַּיִת הַזֶּה הוּא שֵׁלִי, *This house is mine*. So when David proclaimed the Lordship of G-d over creation, the rights of authorship that G-d enjoys as far as His handiwork is concerned, the fact that G-d owns the world, he should have said, הָאָרֶץ וּמְלוֹאָהּ הִיא שֵׁל הַיְ, *The universe and its inhabitants are owned by G-d*. He did not say that. He said, לַהֲיָהּ הָאָרֶץ וּמְלוֹאָהּ, *To G-d is the universe and its inhabitants*. Why?

Whatever is associated with the deity is consecrated. When one wished to consecrate an offering to G-d during the times of the *Bais Hamikdash*, he would designate an animal and pronounce לַהֲיָהּ חֲטָאֵת or לַהֲיָהּ עוֹלָה, *This animal is consecrated to G-d*.³ The offering is dedicated and hallowed to G-d.

Similarly, G-d does not enjoy a merely juridical relationship with the universe, a relationship of proprietor and property, a relationship of lord and tenancy, a relationship between an owner and his estate. That is not as important. What is more important is that whatever G-d owns, whatever belongs to Him, is consecrated to Him. The world is

² See תהלים: כ"ב, א'.

³ See מסכת נדרים דף ט"ו ע"ב.

not only G-d's domain in a juridical sense; but, more importantly, the world is sacred in a metaphysical sense. It is consecrated to Him.

(6) In other words, the world is the sanctuary of G-d, the temple of G-d. It is the house that is dedicated and consecrated to G-d. The House of G-d is built from the same wood, the same concrete, the same materials from which many other houses are constructed, but it is considered the House of G-d, because it was consecrated to G-d (ועשו לי מקדש).

In the *Passuk* of להי הארץ ומלואה, David emphasizes that the world is not merely the dominion of G-d; it is more than that. It is consecrated to Him. The whole world is dedicated to His service. להי הארץ קדושה, thus, means *The world is dedicated and hallowed to Him*. Similarly, תבל ויושבי בה, *the earth, its population, and all of its inhabitants*, are consecrated to G-d. This is a facet of מלכות.

(7) In the next *Passuk*, David explains why the world is consecrated to G-d. He states, כי הוא על ימים יסדה, *Because He established the world and its seas*. The fact that G-d created the world gives Him rights of ownership. One of the basic propositions in חושן משפט, *in our civil code*, is that a creation always belongs to its creator. If G-d is the Creator, so, of course, the product of His work belongs to Him. But, not only does it belong to G-d, it is also consecrated and hallowed to Him. The world is, thus, sacred.

(8) In the next *Passuk*, David poses a question. מי יעלה בהר ה', *Who has the right to ascend the mount of the Lord?* He calls the world הר ה', *The Mount of the Lord*.

Normally, the Mount of the Lord refers to the הר הבית in Jerusalem.⁴ In this *Passuk*, David refers to the whole world as הר ה'. Why?

I believe that this appellation refers to the previous sentence of:

להי הארץ ומלואה תבל ויושבי בה.

The universe, as well as its inhabitants, are consecrated to G-d.

The question of מי יעלה בהר ה', *Who has the right to ascend the Mount of the Lord*, thus simply means, "Who has the right to be a citizen, a dweller, and a tenant of this world?"

Since the world belongs to G-d, man's status is that of a tenant. As the *Passuk* states:

כי לי הארץ כי גרים ותושבים אתם עמדי (ויקרא: כ"ה, כ"ג).

The world belongs to Me. You are just sojourners and tenants.

The *Passuk*, in effect, asks, "Who has the right to tenancy? Who has the right to dwell in this universe? Who has the right to share in the privilege of dwelling in the place of G-d's holiness?"

THE PASSUK OF נקי כפיים ובר לבב EXPRESSES THAT ONLY ONE WHO COMPLIES WITH THE MORAL LAW MAY DWELL IN G-D'S WORLD.

(9) The answer provided in the next *Passuk*, is that only one who is נקי כפיים ובר לבב אשר לא נשא לשוא נפשי וכוי, *One with clean hands and pure heart who has not sworn falsely*, may abide in this universe. The rights of tenancy are granted only to a person who abides, not only by the natural law, but by the moral law, as well. To abide by the natural law is no great accomplishment. Compliance with natural law is involuntary. One cannot help oneself; all creatures must abide by natural law. When one feels hunger pangs, he must eat food. When one is thirsty, he will look for water. When

⁴ *Isaiah* often refers to the *Bais Hamikdash* as הר ה', *the Mount of the Lord*, because the *Bais Hamikdash* was located on a mount. See, e.g. ישעיהו: ב', ג'.

biological physiological pressures increase, he must find a release. Otherwise, he will take sick and so forth. The *Passuk* exhorts man to abide by the *moral* law as well.⁵

(10) In conclusion, מלכיות teaches that the world belongs to G-d, and, therefore, the world is consecrated and holy. Hence, in order to live in this world, in order to maintain the barest biological existence, in order to enjoy the privilege of being a functioning organism, endowed with intelligence, self awareness, capable of harboring hopes, beliefs, and memories of the past, one must abide by the moral law. The moral law was formulated by G-d in the same manner as the natural law.

(11) The question that arises, however, is that, true, G-d is the creator of the world; all creatures are His. True, not only do all creatures belong to Him, but they are also dedicated and consecrated to Him. True, all creatures must abide by His will and comply with the moral law formulated by G-d. Why, however, must we recite מלכיות on *Rosh Hashanah*? What precipitates this obligation to express the themes of the *Bracha* of מלכיות?

THE BRACHA OF מלכיות REFLECTS THE NOTION THAT G-D'S SOVEREIGNTY IS STILL NOT REALIZED BY MANKIND.

(12) Apparently, G-d is not King of the world, yet. G-d should be the King; however, He is not yet recognized. Somehow, mankind and humanity have not yet elected G-d as their King. This is the problem that we deal with on *Rosh Hashanah*. This problem touches upon the very destiny of man.

G-d is the King, not only of man, but of nature as well. The *Bracha* relates מלך, G-d should rule over all Thy works; ויראוך כל המעשים, *All of Your creatures should fear You*. We believe that G-d is the King of nature as well. He rules

⁵ The balance of the Chapter of מזמור לדוד is explained , *infra*, Paragraph 32.

over the flying nebulae, the stars and the galaxies, the tides, the animal kingdom, the vegetation, the plants and minerals. In what respect does G-d's kingship express itself as far as mute, dumb nature is concerned? By what virtue is He the king of the slow tide, of the rushing comet, of the shooting star, of the light travelling at high velocity? G-d's kingship, His rule, and His dominion over nature is identifiable, since the natural order implements the will of G-d. Mute nature serves G-d. We believe that nature, and not only man, were created to serve G-d. The first *Bracha* of *Sheva Brachos* is שהכל ברא לכבודו, *He created everything in order for man to recognize His glory and serve Him*. This is followed by the *Bracha* of יוצר האדם, *Blessed be G-d who created man*. Before creating man, G-d created everything else: the water, the earth, the heavens, and the asteroids. The entire cosmos were created for His glory, *ad glorium dei*, to serve G-d. *Yahadus* believes that the whole world is a living organism. The whole universe is, as the *Rambam* refers to it, a "*macro-anthropos*", a great giant man, tall and powerful⁶. *Yahadus* believes that the whole world, in toto, as one entity, is an intelligent being which serves G-d by abiding by the mathematical equations which link phenomena together, and which determine the pattern of behavior of that macro-anthropos.

The Philosophers in the Middle Ages noted that, העולם הוא אדם גדול, *the world is one large man*, and והאדם הוא עולם קטן, *man is a little world, a microcosm*. Man is a microcosm, while the world is a macro-anthropos⁷. The *Rambam* explains that the universe, in toto, as one entity, as one organism, is endowed not only with intelligence, but with a heart; it is also kind and generous.

⁶ The *Rambam* dedicated the entire Seventy-Second Chapter of the First Volume of the Guide to the Perplexed to explain this belief.

⁷ Similarly, *Chazal* often referred to the world as שר העולם.

As far as the entire universe is concerned, G-d is its King. The universe complies with a *Shulchan Aruch*, a way of life, namely, the laws of physics. Physics is the moral code of the macro-anthropos. If he should deviate, even a little, from the established pattern, it would be considered a sin on his part. It would be considered culpable behavior. The macro-anthropos recognizes G-d, surrenders to G-d and abides by the Code that G-d has bestowed upon Him, namely, the book of nature. The macro-anthropos cannot rebel. He will never rebel. There is a strict necessity, what philosophers called the natural law, by which the macro-anthropos is guided. It can only behave in one definitive way. The macro-anthropos has no option, no choice, no בחירה בפשיית.

UNLIKE MAN, NATURE COMPLIES WITH THE RULE OF G-D.

(13) The *Passuk* states:

האזינו השמים ואדברה (דברים : ל"ב, א')
Listen, Oh Heavens, and I shall speak.

The obvious question is, why did *Moshe* invoke heaven and earth to witness the covenant that he made with the Jewish community? *Rashi* cites the *Medrash* that explains that the heavens asked the Jewish People, "Have you ever seen the sun rising in the West and setting in the East? Have you ever planted wheat and reaped corn? Have you ever planted an apple tree only to find pears and cherries upon it?" In other words, the macro-anthropos, mute nature, abides strictly by the laws that were implanted in both inorganic and organic matter. It is guided solely by that principle. It can only behave in one definitive way. The rose blossoms in June. The tide rises and recedes in accordance with the gravitational pull. The light moves at one constant speed, etc. Nature serves G-d, for only one pattern of behavior has been prescribed for nature.

MAN, AS A SPIRITUAL BEING, SEEKS TO REBEL AGAINST G-D'S MORAL LAW.

(14) The question is about man. Man has בחירה חפשית, *free choice*. Does man serve G-d or not? Does man recognize the sovereignty of G-d?

One must speak about man on two levels: (x) man as a natural being, and (y) man as a spiritual being. As a natural being, man does abide by the natural laws that have been prescribed for him, in the same manner as the beam of light, the drop of water or the star. Man, as a physiological natural being, does not dare rebel. He must respond to all biological pressures. As a physiological being, man has no option.

Lately, the youth in America not only wish to rebel against the moral law, but against the natural law as well. According to *Yahadus*, to respond to the natural law in the prescribed manner, and to cooperate with nature, is a moral accomplishment, and is morally relevant. *Yahadus* is, therefore, opposed to suicide; *Yahadus* classifies suicide as murder⁸. *Yahadus* is, therefore, opposed to abortion; it equates abortion with murder. That is why the *Halachah* is opposed to family planning or birth control. *Yahadus* considers it an unlawful interference with the natural processes. *Yahadus* countenances man's interference with the natural process only when there is pathology, when nature deviates. Pathology arises when nature rebels against the prescribed codes, when nature deviates from the normal pattern. A good example of such rebellion is malignancy, which is the typical pathology. Man is then called upon to intervene, to stop the malignant process from spreading, and to save a life. *Yahadus* always insisted that curing the sick is a noble deed⁹. But, absent pathology, man may not intervene with nature, nor restrict nature, simply, because of convenience or comfort. That is forbidden. To comply

⁸ The *Rambam* (פרק ב' הלכה א' מהלכות רציחה) classifies suicide under the category of murder.

with nature and cooperate with the natural pattern, with certain forces in nature, is not only necessary, it is morally relevant. The book of nature was written by G-d in the same manner as He wrote the book of the moral law.

(15) Take, for instance, an alcoholic. There is no specific law in the *Torah* prohibiting one from getting drunk. Yet, the *Ramban*¹⁰ says it falls under the general rubric of קדושים תהיו לאלוקיכם, *You shall be holy to G-d*. The sin consists in working against the pattern of human life insofar as alcoholism interferes with man's health and shortens his life. The same is true of the drug plague. The scourge of drug abuse represents man's rebellion, not so much against the moral law, but against the natural law and the normal way of living. Often, man is anxious for hedone, for carnal pleasure. Pleasure has an hypnotic influence on a man, and man simply wants to squeeze out every drop of pleasure out of nature, whether in an ugly fashion or in a beautiful manner. When man becomes drunk with hedonism, not so much with alcohol, but with the desire to live and to enjoy and to gulp from the cup of pleasure as much as possible, and to squeeze every bit out of life, then he begins to sin, not only against the moral law, but against the natural law as well. He simply drives himself to destruction, to death. Modern man has, unfortunately, not only rejected the moral code, but the natural code as well. The normal person who is not sophisticated is still coerced to act in compliance with the natural law. G-d's cosmic will is conformed to and complied with.

On the other hand, man, as a spiritual being, to whom G-d has provided liberty and to whom He gave the option of either dedicating his life to the service of G-d, or of confronting his creator with arrogance, pride, and vain-glory and proclaiming human

⁹ Unlike Christianity, *Yahadus* never suffered qualms of conscience in exhorting man to cure the sick. Christianity could not understand why man should interfere with nature when pathology develops.

sovereignty, has not always recognized G-d. This is true of both modern man and of ancient man.¹¹ Man wants to consider himself as the king of creation, as the sovereign. Man wishes to establish his will as the absolute one. Man wants to write his own moral code.

(16) In other words, at the cosmic level, מלכותו של הקב"ה is a fact. The whole of the universe, the macro-anthropus, abides by the will of G-d. No one dares contradict the dynamics of the cosmos. Man, no matter how sophisticated, must subject himself to the primordial rule of G-d. However, at the level of human existence, of spiritual and personalistic existence, the will of G-d, which expresses itself in the moral law, is not implemented. Man denies the sovereignty of G-d. Man tries to devise his own moral laws, and to decide all by himself what is good and what is evil.

THE SIN OF THE עץ הדעת WAS THAT MAN ATTEMPTED TO USURP THE MORAL CODE.

(17) There are many interpretations about the sin of the עץ הדעת, *the original sin*. What was the substance of the original sin? Prima facie, *Adam* simply wished to acquire a little intelligence. Why was that culpable?

The *Rambam*¹² points out that the *Torah* describes the effect of the forbidden fruit as inducing טוב ורע, *good and evil*. It does not say that the effect would be אמת ושקר, *truth and falsehood*. The *Torah* does not distinguish between truth and falsity; it distinguishes between good and evil. Science does not deal with טוב and רע; science deals with אמת and שקר. Something is either scientifically true or scientifically false. It is not good nor evil. Apparently, Adam wanted to engage in טוב and רע. Adam wished

¹⁰ ויקרא: מיט, בי

¹¹ Medieval man, in that regard, was different.

¹² See מורה נבוכים ח"א פ"ב.

to write his own moral code, to determine what is good and what is evil. To determine what constitutes a crime and what does not constitute a crime, what is culpable and what is good, what is morally deserving and what is immoral. When man starts to write his own moral code, he meets with disaster.

This is evident in modern life as well. Basically, modern man's rebellion in the academic circles, as well as in the Church circles, is directed against G-d's moral code. Man wishes to write his own moral code. When man begins to write his own moral code, he has reached the brink of the bottomless abyss. מלכותו של הקב"ה, *G-d's kingdom*, can not be established as long as man continues to rebel against G-d. If G-d is the creator, who prescribes the code of behavior for nature, then G-d has a right to prescribe the patterns of behavior for man as well.

(18) Man also denies something else. Man, in his pursuit for sovereignty, denies even the cosmic kingship of G-d. The scientific outlook embraced by modern man regards the cosmic drama as self-determining, closed from within, self sufficient and completely meaningless and mechanical. In other words, while mute nature acknowledges the kingship of G-d, man denies it, rebels against it and embraces the philosophy of man-G-d.

THE BRACHOS OF מלכות AND שופרות REFLECT THE METHODS ENVISIONED BY YAHADUS TO RECONCILE MAN WITH G-D.

(19) The problem confronting *Yahadus* was how to reconcile man with his Master, to force man to acknowledge G-d, to place the crown upon the ח"י עולמים, *the eternal G-d*, to proclaim G-d's kingdom, His kingship, His sovereignty. *Yahadus* had two visions of the era in which man will repent, come back to G-d, establish a moral society, eliminate iniquity, injustice, brutality and evil, and be truthful, kind and

compassionate. *Yahadus*, developed a dual philosophy vis a vis the eternal crisis of man's rebellion against G-d. There are two visions of the establishment of the Kingdom of G-d on Earth, when man will abide by His will, will recognize G-d as his King and *ויתנו לך כתר מלוכה*, give G-d the crown of sovereignty. Both of these found expression in the *Tefillos* of *Rosh Hashanah*. The first is the vision of *מלכות*. The second is the vision of *שופרות*.

THE VISION OF *מלכות* IS THAT MAN, ON HIS OWN, WILL ULTIMATELY RECOGNIZE G-D.

(20) The theme of the *Bracha* of *מלכות* is that *Yahadus* has great faith in man. It believes that man will finally change, and man, on his own accord, will recognize his folly, will begin to strive for G-d and move towards G-d. Man, on his own, will ennoble his character. He will ultimately enlighten himself. He will raise himself by his own bootstraps to great intellectual heights, at which time he will recognize the truth.

Of course, it is a long educational process. Humanity is slow in changing any of its attitudes. For instance, humanity still has not fully changed its attitude toward the Jew. Long after Hitler, humanity still harbors the same prejudices, dislikes and suspicions; humanity is slow in changing attitudes, in revising conventions, in admitting mistakes, and in correcting errors. Humanity is unwilling to repent and is still unwilling to come before G-d with a contrite heart. However, G-d is patient, *ועד יום מותו תחכה לו*. Until such time as humanity destroys itself with an atomic bomb, G-d will wait for man to approach Him, and say *חטאתי*, *mea maxima culpa*.

In other words, *Yahadus* maintains that man will open his eyes in the end of the days. He will search long for G-d, explore the inner world as well as the endless lanes of the mysterious cosmos, and, finally, will discover G-d everywhere. In a word, the

initiative will not be G-d's, but man's. G-d may accelerate the movement toward Him. However, it is man's responsibility, man's job and man's goal. Man will have to accomplish this all by himself.

(21) This is the theme reflected in the *Bracha* of מלכיות:

ועל כן נקוה לך הי אלוקינו לראות מהרה בתפארת ערך להעביר
גלולים מן הארץ והאלילים כרות יכרתן לתקן עולם במלכות שקי
יכירו וידעו כל יושבי תבל כי לך תכרע כל ברוך תשבע כל לשון...
*It is our hope to witness the glory of Thy strength, Your removal
of abominable things from the earth, and the disappearance of all
idols. At that time, all will recognize You. They will learn. They
will acquire knowledge. They will know...*

In other words, the *Bracha* of מלכיות, on the one hand, reflects man's faith in G-d, man's complete surrender to G-d as King, as sustainer, as the source of being, as the master and lord to whom man should consecrate his life. In that *Bracha* we proclaim that we are in black despair since humanity, in general, does not recognize G-d.

(22) On the other hand, מלכיות also expresses our faith in man. That man, no matter how far he has removed himself, no matter how proud, how vain, how conceited and how stupid he has become, will finally be enlightened. Man, after long soul searching, meditating, reflecting, and experiencing his destiny, will be confronted with the option of either returning to G-d and recognizing G-d or perishing. This is the theme of מלכיות. יכירו וידעו כל יושבי תבל. *All of humanity will recognize G-d on their own.*

This theme is also contained in the *Bracha* of קדושת היום, which states:

אלוקינו ואלוקי אבותינו מלוך על כל העולם כולו בכבודך ... וידע כל
פעול כי אתה פעלתו ויבין כל יצור כי אתה יצרתו.
*G-d, please rule in Your Glory. Man should understand. Man
should comprehend that G-d has created man.*

Man, on his own, will ultimately return to G-d.

THE VISION OF שופרות IS THAT G-D WILL REVEAL HIMSELF TO MAN.

(23) There is, however, another vision that *Yahadus* articulated through the Prophets. According to this vision, the initiative is G-d's. The trouble with rebelling man is that he has never met G-d. The rebel has never seen G-d, has never been confronted by the Creator. To him, nature, its stability, its unalterable sequence, its monotony and complete irresponsiveness to human need, masks G-d's image. A man whose mind is not very profound thinks that complete anonymity and mystery envelopes the universe, with its rushing comets, shooting stars, and flying nebula. Only a mind of great sensitivity, an eye that is exceptional and unique, which is able to pierce through the thick cloud enveloping the natural process, can catch a glimpse of the Almighty. Sometimes, this is very difficult. When the *Torah* speaks of G-d's descent upon earth, it portrays G-d as enveloped in a cloud, בעמוד ענן. The cloud depicts G-d's mystery. Man does not see G-d's essence hidden in the cloud. What does man see of nature? What does he study in nature? A certain regularity, a certain monotony, and a certain repetitive, mechanical process. Man does not see the fingerprints of G-d. In order to bring man back to G-d, it is necessary for man to witness the revelation of the Almighty, the sudden appearance of G-d's glory. The open manifestation of G-d's might and power will bring man back to his Maker.

(24) In the first vision expounded by מלכיות, man must address himself to G-d. The initiative is with man. G-d will not address Himself to man. G-d waits for man to come before Him, knock on His door, and address himself to G-d. In the second vision, G-d will address Himself to man, and man will quickly respond. In this vision, the redemption of mankind will come only when G-d will call man and encounter him face to face.

(25) The first aspect or vision is expressed in the *Bracha* of מלכיות. G-d awaits man, no matter how slow man is. G-d expects man to come, no matter how long it will take. G-d expects man to enlighten himself. Man's eyes should pierce the thick cloud and see light behind the cloud, no matter how difficult it is for man. This is the theme of the *Bracha* of מלכיות. How long will it take? Maybe even a millennia. It does not matter. כאלף שנים בעיניך כיום אתמול כי יעבור וכי. G-d is patient. G-d has perseverance. He will wait for man. מלכיות expresses the vision that the initiative is man's. In this vision, G-d expects man to address G-d first, and only then will He respond.

(26) There is a second vision, another way to understand the redemption of mankind. That is by G-d appearing to man, by G-d losing His patience and appealing to man to respond. This is the vision of revelation. The *Bracha* of שופרות expresses G-d's appearance, revelation, ignoring the fact that man is not yet ready, recognizing that if He will wait for man to get ready, man will never be ready. This *Bracha* expresses the vision that G-d will accelerate the process of redemption of man. The *Bracha* of שופרות depicts the vision of גילוי שכינה. In that *Bracha*, we recite:

כל יושבי תבל ושכני ארץ כנשא נס הרים תראו. וכתקע שופר
תשמעו... והיה ביום ההוא יתקע בשופר גדול, ובאו האובדים מארץ
אשור..

*When the flag will be raised, all the dwellers of the Earth will
see... When the Shofar will be blown, Man will hear, and the lost
ones will return...*

G-d will wake up man. G-d will suddenly appear, knock on man's door, and tell man, "You have waited too long; return to Me."

(27) That is the difference between the visions of מלכיות and שופרות. Both גילוי שכינה and שופרות speak of גילוי שכינה. However, מלכיות speaks of a natural

שכינה. Man will see G-d in every phenomenon, in every experience. Man will discover G-d in the beautiful morning, in sunset, in sunrise, in the stars and the tide, in growth, in life and in death, in the movement of his own muscles, in his own sensations, in his own thinking, in his own feelings, in his own sentiments, in his love and his admiration for beauty. There will be no need for supernatural revelation. Everything will proceed in accordance with the established scheme of *ששת ימי בראשית*. Man will discover G-d through his intellect, since his heart will be sensitized, and his eye will become discriminate.

The *Bracha* of *שופרות* portrays the second vision in which man meets G-d, after G-d seizes the initiative and reveals Himself. Of course, when G-d reveals Himself to man, it will be preceded by hurricanes and storms. Great events will take place. When disaster will be about to strike, G-d will suddenly appear and redeem man from the cataclysm which threatens him. *שופר* is the instrument which G-d will use to arouse man, to awaken man, and to bring man to repentance.

THE SECOND VISION IS ALSO EXPRESSED IN THE PARAGRAPHS OF *ובכן תן פחדך*.

(28) This second vision is also expressed in another part of the *Shemoneh Esrei*, namely, in the Paragraphs of *ובכן תן פחדך* which were inserted in the *Bracha* of *המלך הקדוש*. Those Paragraphs do not speak of the time when man will take the initiative, nor when man will enlighten himself, nor when man will progress so far that he will see G-d in nature, in every phenomenon, in every experience, in every movement, in every pebble, in every grain of sand on the beach, in every wave, in every flower. Rather, in the Paragraphs of *ובכן תן פחדך*, we appeal to G-d to awaken and arouse man.

How can man be awakened from his complacency, pride, and vainglory? How can man be aroused from his petty, self-satisfying state of mind, from his self-righteousness and, in particular, from his idolatrous faith in himself, and in the progress of humanity without G-d, without the Lord, without the Almighty? How can man be brought to awareness when he is in a deep slumber? Such a man can not hear the call of G-d. Such a man can only be aroused if G-d shakes him and shocks him. In order to recognize G-d, man must finally realize that he has reached the brink of an abyss, that disaster is about to strike. That he will annihilate himself and the entire mankind. That something is wrong with him. If man is seized by a great fear, he will ultimately recognize G-d.

פחד DENOTES PARALYZING FEAR, WHILE יראה PORTRAYS INTELLIGENT CONCERN.

(29) There are many synonyms in Hebrew which denote the sensation of fear, namely, יראה, חיל, רעדה, חרדה, אימה, פחד, and the like. Each synonym in Hebrew reflects a certain emotion and a certain degree of fear. The synonyms run the gamut of each emotion and are similar to the spectrums of different colors. Just as there is transition from one color to another, so, to, there is transition from one emotion of fear to another emotion of fear.

While יראה is on one end of the spectrum, חיל or פחד is on the other end of the spectrum. פחד and חרדה denote fright, terror, or shock. פחד reflects unenlightened fear, unilluminated fear. For instance, even animals can experience פחד and חיל. When an animal instinctively senses that some predator lurks, it experiences פחד. He will develop panic and will not react intelligently. Often, one who experiences פחד, will act contrary to his best interests. For example, if one shouts, "Fire", in a crowded theatre, people will

rush out and trample each other because of their פחד, rather than evacuate slowly. פחד is shock. It is a paralyzing fear. But this fear is sometimes necessary in order to cure a person, just as a schizophrenic may be helped with Electro-shock. Sometimes, a man who is vain, conceited, unjustifiably proud, selfish and oblivious to the world, can be cured through פחד, *fear*. When disaster strikes or is about to strike, man's mind, somehow, opens up. Suddenly, he begins to realize that his way of life is wrong, that he must change. This is expressed in the prayer of

ובכן תן פחדך ה' אלוקינו על כל מעשיך ואימתך על כל מה שבראת.
G-d shall instill His fear in His creatures.

(30) On the other end of the spectrum is יראה, *intelligent fear*. יראה denotes a fear which man is capable of meeting intelligently and protecting himself from that menace or danger. יראה also denotes awe and reverence, as in the *Passuk* of ה' אלוקיך תירא, *Fear the Lord Your G-d*.¹³

Nowadays, one cannot preach much to the world. The world is insensitive. In order to be awakened from its slumber, the world must live through the experience of פחד and אימה and, little by little, this will lead them to experience of ויראוך כל המעשים, *all will fear G-d*, and וישתחוו לפניך כל הברואים, *Your creations will bow down to You*. But, the initiative is God's, not man's. This is the same idea as expressed in the *Bracha* of שופרות.

(31) As noted, פרק כ"ד of *Tehillim* proclaims the sovereignty of G-d in the most explicit matter. It states:

לה' הארץ ומלואה, תבל ויושבי בה.
The universe, as well as its inhabitants were created by (and consecrated to) G-d.

¹³ דברים: י, כ.

Since the world was created by G-d, it belongs to Him; and since the world belongs to Him, it is consecrated to Him. It follows that every individual who wishes to reside in the world must abide by G-d's moral law.

The Psalmist continues

מי יעלה בהר ה'?
Who can ascend the mount of the Lord?

Who can reside in this world? It answers:

נקי כפיים ובר לבב.
A man with clean hands and a pure heart.

In order to be a tenant in this world, to be a sojourner in this world, one must abide by G-d's moral law. He must be a נקי כפיים ובר לבב וכוי.

THE PSALM OF לידוד מזמור RELATES MAN'S STRUGGLE TO ESCAPE FROM G-D.

(32) The next *Passuk* of this Psalm reads:

זה דור דורשיו מבקשי פניך יעקב סלה.
Each generation seeks to recognize You.

What does this *Passuk* mean? What is the transition from the prior *Passuk* to this one?

It means that every generation within the Jewish community attempts to pass on the secret to the next generation. The essence of *Yahadus* is להי הארץ ומלואה, *the world is consecrated to G-d*. Hence, every man is a servant of G-d, and only a servant of G-d has the right to dwell in this world. The *Passuk* of זה דור דורשיו reflects the generations of those who seek G-d, who wish to encounter G-d and wish to be confronted with G-d forever. This is the gist of *Yahadus*.

THE DIFFERENCE BETWEEN שַׁעַר AND פֶּתַח.

(33) In the next *Passuk*, the Psalmist focuses on the world in general. Is G-d being enthroned in this world? Did the world give G-d the crown? Has G-d been elected as the King of the world? Apparently not. The *Passuk* reads:

שֹׁאוּ שַׁעֲרֵיכֶם וְהִנְשְׂאוּ פִתְחֵי עוֹלָם, וַיָּבֵא מֶלֶךְ הַכְּבוֹד.
The gates should raise their heads, open the doors of eternity and allow the King of Dignity to enter.

The *Passuk* uses two distinct terms שַׁעַר and פֶּתַח. Each has a different meaning. On the one hand, שַׁעַר means a gate, as in the *Passuk* of וַיִּהְיֶה הַשַּׁעַר לִסְגוֹר, *the gate was about to close*.¹⁴ On the other hand, פֶּתַח means an opening.

Thus, the *Passuk* of שֹׁאוּ שַׁעֲרֵיכֶם וְהִנְשְׂאוּ פִתְחֵי עוֹלָם presupposes that some people have closed the gate and will not allow G-d to enter at all. Examples of such peoples are Communist Russia, China, and the countries behind the Iron Curtain, which, as far the leadership is concerned, have closed the gates against G-d. They refuse to allow G-d to enter. G-d is completely barred from these countries; the gate is closed. Their ideal is atheism. Their morality is an atheistic morality. As far Marxism is concerned, atheism is not a secondary matter; atheism is primary. Atheism is the very essence of Marxism. Marxism expresses itself through its denial of G-d's sovereignty and its substitution of man's sovereignty for G-d's sovereignty. The essence of Marxist morality is its unlimited faith in man.

(34) In other countries, שַׁעֲרֵיכֶם, *the gates*, are not closed. There is no gate at all. They have an opening. But, the opening is so narrow that G-d cannot easily enter. Their

¹⁴ ירושע : ב', ח'.

concept of divinity is so narrow, so middle class, so selfish and so superficial, that G-d does not wish to squeeze through this gate.

MAN ACHIEVES DIGNITY ONLY THROUGH G-D.

(35) The Psalmist exhorts these people:

שאו שערים ראשיכם והנשאו פתחי עולם ויבוא מלך הכבוד.
The gates should raise their heads, open the doors of eternity and allow the King of Dignity to enter.

What does the term מלך הכבוד, *the King of dignity*, convey? In truth, one who denies the existence of G-d, the existence of a transcendental reality, and the existence of a moral world, denies his own existence as well. Human dignity can only be expressed if man is created in the image of G-d. But, man who acts as a beast or as a primitive who has emerged from the caves or from the jungle, lacks dignity. If man wants to lay claim to dignity, if he wishes to achieve dignity, he must be in the image of G-d. Without the image of G-d, man cannot speak of dignity or of his own glory. Only with G-d, can man become a dignified being, the king of the world. Without G-d, man is nothing more than a beast. As a beast, man is the weakest creature. As a dignified being, he is the most powerful creature.

The Psalmist continues his observation that the world has forgotten G-d already. He writes in the next *Passuk* that people inquire:

מי זה מלך הכבוד ?
Who is the G-d of Dignity?

People who have visited Russia and spoken to Russian students, boys and girls, are asked if it is true that people in the United States still believe in G-d. Those students wonder how a progressive, technologically developed, and powerful country, can still believe in G-d.

They ask, מי זה מלך הכבוד? Who is He? They mistakenly believe that one can achieve dignity merely by sending up a robot to the moon. They are wrong. There is no dignity in that. It is very skillful. It requires great intellectual acumen, but it lacks dignity. There is no dignity without morality. There is no dignity without sanctity.

MAN WHO STRUGGLES AGAINST G-D IS DOOMED TO DISASTER.

(36) What does the Psalmist answer?

He answers:

ה' עוז וגבור ה' גבור מלחמה.
G-d is strong, powerful, and mighty. G-d is a great warrior.

Basically, the Psalmist informs them that they have rebelled against G-d. Even the Western societies have rebelled against G-d. They have rebelled against morality, against the fact that the human being must surrender himself to G-d and give G-d his full obedience. People do not want to accept G-d. They wish to engage G-d in combat. They wish to abandon the idea of G-d.

When man engages G-d in combat, man is bound to fail. For example, take Western Society. Western Society is a confused and perplexed society. It is a society that does not know what it is questing for and what it wants. It is a society that is falling apart at its very seams. Western Society has lost faith in itself. The United States of America has become cowardly. There are young men and women in the United States who would simply destroy the land, destroy American culture, destroy American education and, particularly, destroy American determination. All of these are the result of an atheistic society. Officially, Western Society accepts G-d, but the doors of the temples and churches are very narrow; G-d can hardly squeeze through those doors. Religiosity and commitment to G-d expresses itself only in a ceremonial prayer service.

However, on the street, G-d cannot be found. So, of course, when people engage G-d in combat, when people try to deny His existence, when they try to rebel against His authority, against the moral law, they will lose. G-d will win the battle by causing man to face disaster. One must allow G-d to enter. If not, ה' עוז וגבור, *G-d is strong, powerful and mighty*. ה' גבור מלחמה, *G-d is a great warrior*. If there is combat between man and G-d, G-d will emerge victorious. Victory will be His.

It is simply impossible for mankind to get along without G-d. I am not one who concurs with everything that the Israeli government does. I am often critical of them. But, they are prime examples of the strength of faith. Could Israel carry on its struggle with the Arabs and with Russia without an element of faith? The Israelis are officially agnostics; many of them are atheists. But, they have an element of faith, which, somehow, in a mysterious way, gives them the courage, fortitude and determination to fight. When man is in crisis, when man is in distress, he is very lonely. Only G-d, if He befriends a person, can give man the strength to endure moments of crisis and disaster.

(37) This is the message of the Psalmist. ה' גבור מלחמה. In any struggle in which man is engaged, it is imperative that G-d be on his side. If man engages G-d in combat, man will be defeated completely. It is no use to close the door and leave G-d outside. He will take the gate by storm and will conquer the fortress. If one is not willing to allow G-d to enter, G-d will fight and open the door with force.

YAHADUS WANTS MAN TO ACCEPT G-D VOLUNTARILY.

(38) Having made some impressions on the world, the Psalmist in the next *Passuk* appeals again:

שאו שערים ראשיכם ושאו פתחי עולם ויבוא מלך הכבוד.
*Raise the heads of the gates and open the doors of eternity, and
allow the G-d of Dignity to enter.*

Notice that in this *Passuk* the Psalmist uses the verb, ושאו פתחי עולם, while in the prior *Passuk* he employs the words והנשאו פתחי עולם. What is the difference between שאו and הנשאו?

The phrase והנשאו פתחי עולם means: “to forcibly raise”. If you refuse to open up, you will be forced to open up. שאו, on the other hand, means: “to rise and open up voluntarily.” The Psalmist says that the phrase of והנשאו reflects the wrong appeal. It is not a Jewish appeal. When we appeal to people to recognize G-d, to associate with G-d, to befriend G-d, to listen to Him and to abide by His will, we do not threaten them. *Yahadus* has never threatened. *Yahadus* has never tried to persuade man to serve G-d, comply with His will and observe His laws merely by threatening man’s mortality. *Yahadus* has never employed the motif of death in order to strengthen man’s faith in G-d. On the contrary, *Yahadus* told *Kohanim* not to defile themselves with the dead. *Yahadus* wanted man to find G-d in life. *Yahadus* wanted man to find G-d, not only because ה' גבור מלחמה, not only because G-d is more powerful and will ultimately conquer man, not only because in times of distress it is very hard to get along without G-d, not only because in times of suffering and crisis, man needs G-d. That should not be the only reason. On the contrary, *Yahadus* wanted man to see G-d in everything. שאו פתחי עולם. ויבא מלך הכבוד.

(39) The next *Passuk* reads:

Who is the King of Dignity?

מי הוא זה מלך הכבוד?

At this stage, the שערים do not ask מי זה מלך הכבוד, *Who is the King of Dignity*. Rather, they say מי הוא זה מלך הכבוד. What is the difference between מי זה מלך הכבוד and מי הוא זה מלך הכבוד?

The question מי זה reflects that the inquirer does not know that the object of his inquiry exists. He asks מי זה, "*Who is it?*" The question מי הוא זה, however, presupposes that the inquirer knows the other's identity. מי הוא זה presupposes that the gates have heard of G-d. They know that He is very useful and that it is profitable to be near Him, to listen to him and abide by Him, but they wish to know his exact identity. מי הוא זה? What does He demand of us? What does He expect of man? מי הוא זה is similar to the question:

מה הי אלוּקִיד שואל מעמד (דברים: יי, י"ב)
What does G-d, by law, require of you?

מי זה, on the other hand, means, "Who is he? I don't believe in Him. What kind of story are you trying to tell me?" When one asks, מי הוא זה, it means, "Who is He? I would like to understand Him." The שערים have settled down. They have begun to realize that it is impossible to get along without G-d. But they wish to know a little more about Him. What does G-d require of man? What does He want man to do? What should man actually do in order to meet Him?

YAHADUS STRESSES THE PLEASURE WHICH MAN OBTAINS BY BEING CLOSE TO G-D.

(40) What does the Psalmist answer? הִי עֲזוּז וְגִבּוֹר. He does not respond that G-d is very strong, very powerful and if you will not recognize Him, disaster will strike. You will eventually lose your battle. There is no need to talk like that. That is the language of the Revivalists who preach of purgatory and damnation. *Yahadus* never

spoke in terms of catastrophe, disaster and death. *Yahadus* spoke of how wonderful it is to be with G-d. Man needs G-d, not only in times of distress, but in times of joy, victory and triumph, as well. When the gates ask, מי הוא זה מלך הכבוד, the Psalmist answers:

ה' צבקות הוא מלך הכבוד סלה.
The G-d of Hosts is the eternal King of Dignity.

G-d's image is reflected in every event. צבקות means the Lord of Hosts (i.e. nature). As the *Passuk* says:

ויכולו השמים והארץ וכל צבאם.
G-d completed the heaven, earth, and all of nature.

G-d is reflected in every event, in every natural occurrence, in every infinitesimal particle. G-d lends unity and continuity to everything. G-d is indispensable, not only in times of crisis, but in normal times as well. With Him, man sees the world in a different light. Man is reborn at a higher level of consciousness. With G-d, man has dignity. G-d is everywhere.

The Psalmist answers the question of what G-d requires of man. It responds that G-d requires only one thing of man, namely, that man always think of Him and find Him everywhere. להי הארץ ומלואה...ה' צבקות. G-d owns every detail, every particle of sand, every blossoming flower, every whirring leaf, every drop of water. He owns the world in toto. You ask me מי הוא זה מלך הכבוד? What is His identity? What is His moral code? What are His requirements? What are the conditions required to reach a covenant with Him? Nothing. להי הארץ ומלואה. He is omnipresent. This is the essence of מלכיות.

אהבת השם IS REALIZED BY EXPERIENCING THE PRESENCE OF G-D.

(41) When I was a young child, I studied in a *Cheder*. My מלמד, *teacher*, was a *Chabbadnik*. If I have a soft spot for *Chabad*, it is to be traced back to my childhood

years. My מלמד¹⁵ was a strange person. He was not a great scholar, but he had a very sensitive soul. If I am preaching to you about G-d, and the image of G-d reflected in every phenomenon, I must give credit to my *Rebbe*. He taught it to me. He instilled it in my young heart. At that time, I was an impressionable child with a sensitive heart. He instilled in me אהבת השם, *love of G-d*. To love G-d means to see G-d everywhere, to feel His presence even when alone. To feel that somebody is with you.

I am quite often alone now. Nonetheless, when I study *Gemara*, I feel that somebody is with me, bending over my shoulder and looking into the *Gemara* with me. William James¹⁶ spoke about the reality of the unseen. William James was very far from being a mystic. He was the father of Pragmatism, but he speaks beautifully of religion. If one trains himself and sensitizes his heart, this reality of the unseen can be experienced. It is a wonderful experience. It is redemptive. It is cleansing. It is purging, and, particularly, it dispels black despair. Sometimes, when a man gets older he feels lonely. Only the elderly can understand the loneliness of old people. Young people, in general, don't know what loneliness is. Loneliness is an integral part of human awareness, and, with the passage of time, the feeling of loneliness becomes more and more pronounced in man. This is particularly true of one who loses a dear member of his family, to whom he was very attached, and to whom he clung. Loneliness can sometimes devour a person. It is very destructive. Often, man is driven to madness by his feelings of loneliness. To me,

¹⁵ In many of his *Shiurim*, the Rav often described his childhood teacher in glowing terms and the profound influence he had on the Rav. I have appended a letter written by the Rav describing him. I am indebted to Rabbi Sholom Rivkin for generously providing me with a copy of this letter. [Editor's Note]

¹⁶ See, William James, *Varieties of Religious Experiences*, Chapter 2. It is a wonderful book, even though it was written by a pragmatist. *Yahadus* rejects the idea that religion serves just to make man happy. *Yahadus* wants man to be great. Greatness is not always synonymous with happiness. One can be happy and be a little man, while one can be unhappy and be a great man. Moreover, there is happiness in greatness itself. This is James' main mistake. But, his description of religious experience is wonderful. He devotes a full chapter to the reality of the unseen.

there is only one remedy for loneliness, namely, to study *Gemara*. But it is not only the study of *Gemara*, per se, the intellectual exercise, which helps me a great deal, by getting my mind involved in an intellectual problem to the exclusion of everything else, but it is the mystical feeling that somebody else is sits by my side and looks into the *Gemara* with me. Of course, if somebody is with me, I feel myself in a populated world; not with ghosts but with real beings, and mainly with “The Real Being,” G-d.

This is the theme of מלכיות, the experience of G-d, the companionship of G-d. I quoted William James because he speaks about the religion of the happy minded, as contrasted with the religion of the sick soul. He describes how happy minded believers actually feel G-d. This is true. This is what מלכיות envisions.

You ask, מי הוא זה מלך הכבוד? *Who is the G-d of Dignity?* The answer is ה' הסלה צבקות הוא מלך הכבוד. The G-d who is present in every detail. What am I? Just a small minute particle of creation. Yet, G-d is near me, on my left, and on my right. *Yahadus* wants man to believe that G-d is present, that the world is consecrated to Him. In order to be a rightful tenant in this world, מי יעלה בהר ה', one must have a clean heart, a clean hand, נקי כפיים ובר לבב.

זכרוןנו EXPRESSSES BOTH THE UNIVERSAL AND THE JEWISH MOTIFS.

(42) The *Bracha* of זכרוןנו contains a different theme. מלכיות is explicitly universal in scope and character. The *Bracha* of מלכיות does not mention the Jew. On the contrary, it states מלך על כל העולם. The whole world, Jew and Non-Jew alike, must accept His kingdom. ובכן תן פחדך על כל מעשיך. On the other hand, זכרוןנו has a double motif. It has the universal motif, of man in general, and also the theme of our private unique relationship with G-d.

The Jew is bound to G-d in two ways. First, as a citizen of the world, at the cosmic level, as any other human being, as any other creature. Secondly, as a person who has reached a special, unique, singular covenant with G-d and who has established a special relationship between himself and G-d. The *Bracha* of זכרונות commences with the universal theme, but concludes with the private theme. The חתימה, *conclusion*, of זכרונות is בא"י זוכר הברית, which is related to the special covenant reached between G-d and the Jewish People.

Jews think in universal terms of a world that is still in a state of rebellion and insurrection. Jews also think in private terms, in terms of a very strange history, of a small group of shepherds, nomads, wanderers from pasture to pasture who somehow met with G-d and invited Him to join their group.¹⁷ They reached a covenant with Him, and they gave Him the crown of מלוכה. G-d was happy that He had found at least five or six people who finally acknowledged that He is the King of the world. The *Passuk* states: ויקרא שם בשם ה' א-ל עולם.¹⁸ This was the prize which G-d derived from the covenant with ישראל. They gave Him the crown.

THE BRACHA OF זכרונות REFLECTS G-D'S WILL TO BE ACKNOWLEDGED BY MAN.

(43) It is a very strange paradox. On the one hand, we proclaim the omniscience and omnipotence of G-d. G-d is the source of existence and reality, of power and of wisdom. If something exists, it is because G-d is kind enough to let it share in His existence and partake of His reality. G-d is the ruler of the endless universe, of the dark and uncharted recesses of the universe. Does He need man to crown Him? Of

¹⁷ After all, *Avrohom*, *Yitzchok* and *Yaakov* were nomads. They were wanderers and shepherds who moved from pasture to pasture.

what we are going to do tonight?" The children would answer that they will wear their new suits. He would patiently explain, "The night of *Rosh Hashanah* is the night of coronation. We will now be crowning a king. Can you guess who this king is?" The children answered, "Nicholas I, the Czar of Russia." He said, "No children. Nicholas is not a king; today he is here, tomorrow he will be in the grave. There is only one King. The Almighty. The Almighty asks us, oppressed and despised Jews of the Ghetto, who hardly earn a living, who have no right to travel nor live in most areas of Russia, to give Him the Crown. G-d wants us to proclaim him as King." My מלמד would tell us that as a child in Lubavitch, the בעל צמח צדק ז"ל would call the night of *Rosh Hashanah*, the "יקרוונאציה נאכטי", *the night of coronation*. All of the philosophies which I later studied about *Rosh Hashanah* and מלכיות, such as by Herman Cohn and Franz Rozenzweig, are expressed in that short sentence. *Rosh Hashanah* is the holiday, the festival, of coronation, and the night of *Rosh Hashanah* is the night of coronation. Who is crowned? The Almighty. Who anoints him? Poor, weak and helpless man. Why such a paradox? This is *Yahadus*. *Yahadus* wanted man to crown G-d.

THE BRACHA OF זכרונות ESTABLISHES G-D'S OMNISCIENCE.

(45) What is the essence of the *Bracha* of זכרונות? What does זכרונות stand for? The *Bracha* of זכרונות is an extension of the *Bracha* of מלכיות. The *Bracha* of מלכיות establishes that G-d is the one King to whom everything owes its existence, and who owns everything. The motifs of the *Bracha* of זכרונות establish that this King is not only omnipotent, but omniscient as well, and that His omniscience embraces many facets of the human existence, as will be detailed below. Nothing escapes His attention. He

course not. Yet, G-d still wants to be acknowledged by people, who are minute, when taken within the context of the universe, of the billions of galaxies whose light travels for millions of years. As יוֹאֵב said:

מה אנוש כי תזכרנו?

What is man that You should remember him?

What is man compared to those galaxies? What is man compared to this? Yet, G-d, somehow, wants man to recognize His kingdom. That the galaxies and the stars, the endless space are obedient to Him, is not completely satisfying to Him. He also wants man to recognize His kingdom, that He is King.

(44) My *Chabadnik* מלמד had a very sensitive heart. He taught me two things, to experience G-d and to write Hebrew well. People ask me where I learned to write Hebrew. I learnt it from that old מלמד. He had a sense for literature and style. Before *Rosh Hashanah*, he would speak to us of זכרונות, ושופרות, מלכיות, using terms from *Chabad* and *Kabbalah*. I did not understand the terms then, but now they have begun to make sense to me. However, what he told me is actually the well-spring of my religious emotions. My religious emotions and my religious experiences stem from his words, which, while addressed to my classmates and me, were completely incomprehensible and completely irrational to us. Still, somehow, the words sank into the inner recesses of my personality. Now, those words are as a geyser which breaks through my personality, and somehow his ideas find expression in modern idioms. On *Erev Rosh Hashanah*, in the morning, for a couple of hours he would assemble us¹⁹ and say, “Children, do you know

¹⁸ See בראשית כ"א, ל"ג. This is the motto of the ספר מורה נבוכים. The *Rambam* describes G-d as the King of the world.

¹⁹ We never studied much under him. It was just a dialogue between him and us. He was an excellent pedagogue who captured our hearts. I enjoyed this very much. But, when my father realized that he hadn't taught me any *Gemara*, he removed me from that *Cheder*.

searches everyone's minds and hearts. Every thought, feeling or volition lies open to His eye.

THE DIFFERENCE BETWEEN תעלומה AND נסתר.

(46) The *Bracha* of זכרונות states:

לפניך נגלו כל "תעלומות" והמון "נסתרות" שמבראשית.
Before You is revealed all that is hidden, as well as all of the secrets from the beginning of time.

There is a semantic distinction between the two synonyms, תעלומה and נסתר. The word תעלומה means a puzzle, an enigma. It refers to something that is unintelligible, incomprehensible, or inconceivable to mankind in general. It relates to the realm of wisdom, interpretation or motivation. For example, the *Medrash* states:²⁰

מעולמים הם הדברים שראינו, ואין אנו יודעים מה ראינו.
The things we have witnessed are incomprehensible; we don't understand what we have witnessed.

In other words, the word תעלומה is used to describe a situation in which man cannot grasp certain phenomenon nor solve certain problems.²¹

The word נסתר has another meaning. נסתר refers to that which is hidden, not exposed to public view, concealed. It denotes something surreptitious or clandestine. הסתר means to hide something, to conceal it from public view.

The phrase נסתרות שמבראשית, thus, translates, *Before You is revealed all of the secrets of mankind*. There are many things which one man knows, but which other people are unaware of. One does something clandestinely, surreptitiously, privately. He may practice hypocrisy in private. In private, he may be deceitful or dishonest, but in public, he appears as a very honorable citizen. He leads a double life, such as Dr Jekyll

²⁰See ילקי"ש תהילים: תשנ"א.

and Mr. Hyde. G-d knows; not only the public person, He also knows the private person, his office, his back room, his bedroom, and his kitchen. This is נסתר. Man cannot hide anything from G-d.

G-D KNOWS MAN'S SUBCONSCIOUS MIND.

(47) The *Bracha* of זכרונות does not only relate that G-d knows all of the secrets and all of the puzzles. The *Bracha* also establishes that G-d knows things about man which man himself does not understand. For instance, many times man does something and later wonders as to the motivation that prompted him to do so. Often, he has no answer to this problem. Does man know himself? Only partially. Sometimes, a man has potentialities which are never realized. Often, children fall into a state of despair and believe that they are stupid, even though they have great potential. Even an adult can reach resignation, black despair, if he thinks that he is incapable and has no ability. Basically, there are unknown potentialities in each man which are enigmas to him. There are תעלומות.

Thus, the phrase לפניך נגלו כל תעלומות translates as follows: *Before You, all enigmas and puzzles are open.*

Everything about man is open to G-d. Even experiences, notions and feelings which man himself is unaware of, are open to G-d. Man cannot hide anything from G-d. והמון נסתרות שמבראשית

In conclusion, the *Bracha* of זכרונות establishes the omniscience of G-d. G-d knows man better than man knows himself. This is the first motif of the *Bracha* of זכרונות.

²¹ As the *Passuk* states: (וי, י"א, ו'). תעלמות חכמה (איוב: י"א, ו').

THE BRACHA OF זכרונות RELATES THAT MAN IS JUDGED FOR HIS THOUGHTS,
AS WELL AS FOR HIS DEEDS.

(48) The second motif of the *Bracha* of זכרונות is that man is punished, not only for his culpable deeds, but, also, for not disowning unworthy emotions, for not dismissing ignoble thoughts, for embracing a false *weltanschauung*, and for cultivating disjunctive desires.²² Man is judged not only in accordance with his deeds, but in accordance with his inner life as well, his thoughts, feelings and emotions.

(49) *Yahadus* strongly believes in בחירה חפשית, *free will*, in the power of man to regulate his life. It maintains that man is capable of not only abstaining from murder, theft, perjury, or from inflicting harm on people, but of regulating his feelings and emotions as well. For example, the *Torah* prescribes that one must not hate another human being. How can one prevent himself from hating another person? How can one control his emotions? Similarly, the *Torah* enjoins לא תחמד, *do not covet*. But, how can one, who sees a beautiful home with nice paintings on the wall, refrain from coveting it? The *Ibn Ezra*²³ explains that the *Torah* knows that man is not only a master over his deeds, but is a master over his feelings and sentiments as well. There is no apology; there is no extenuating circumstance. The *Torah* writes לא תחמד. Man is responsible for all emotions, feelings, thoughts, and spiritual vibrations within him. The *Torah* enjoins man from having a mean thought, coveting another's property or station in life, hating people, or finding malicious joy in someone's defeat.

²² This concept is typical of *Yahadus*. The converse is also true. Man is rewarded for disowning unworthy emotions, etc.

²³ See שמות: כי, י"ד.

The *Torah* rewards man for loving. Interestingly, the ספר חובת הלבבות writes²⁴ that the *Torah* even rewards a mother for loving her child. Why? Isn't it natural for a mother to love her child? Can a mother prevent herself from loving her child? She can't. She must love her child. He answers that if a mother is capable of loving her child, she is also capable of loving others as well. G-d punishes man for his inner experiences, which are mean, disjunctive and destructive. G-d rewards man if his inner thoughts, feelings and emotions are worthy and deserving.²⁵

(50) The *Bracha* states:

כי זכר כל היצורים לפניך בא, מעשי איש ופקודתו, מחשבותיו אדם ותחבולותיו ויצרי מעללי איש.
The memory of each creature appears before You, his works, his ways, his thoughts, his schemes, and his imaginative ideas.

Yahadus has charged man with great responsibility, since *Yahadus* believes that man has great power. G-d sees and foresees all things, what we are, what we think, and what we do. He sees all of those within the past, present and future. G-d created us, and His hand rests heavily upon us.

In conclusion, the second motif of the *Bracha* of זכרונות is that man is responsible not only for his deeds, but for his thoughts as well.

THE BRACHA OF זכרונות DESCRIBES THAT EVEN MINUTIA WERE PLANNED BY G-D.

(51) The third motif of the *Bracha* of זכרונות, is that nothing is accidental in this world. Human destiny was planned in its minutest detail by the Almighty. The *Bracha*, therefore, states:

הכל גלוי וידוע לפניך צופה ומביט עד סוף כל הדורות.

²⁴ See אהבת ה' פי"ב

²⁵ G-d certainly punishes man for his speech.

All is open to You who gazes upon mankind until the end of all generations.

The past, present and future merge into one time awareness. For the Eternal, for G-d Almighty, nothing passes. For the human being, the most inspiring experience loses its impact with the passage of time. For G-d, nothing passes. For the Eternal, nothing disappears. The past is still here for Him, and the future is already here. Man is a temporal being, who grows, blossoms, matures and expires. For G-d, time expresses itself in the experience of continuing events, of moving from position to position, losing and gaining. For man, the past exists no more; whatever is in the future has not yet begun to exist. However, under the aspect of eternity, the whole substance of time changes radically. Past, present and future merge into one ontological awareness. Nothing vanishes within the dimensions of eternity. Those who have died are still living, and those who haven't been born, are already here.

(52) The word, זכרון in Hebrew, does not just mean recollection. It is not merely a mechanical associative process which produces images of something long gone. זכרון is not merely memory which accumulates knowledge of what existed, once upon a time. זכרון denotes the indestructibility of the past and the permanent character of events that transpired. They are all still with us. This strange time awareness, which reflects eternity, is described in זכרונות:

אתה זוכר מעשי עולם ופוקד כל יצורי קדם.
You have the knowledge of eternity.

תושלביי

דרשה על אמירת סליחות
אלול, תשל"ח
מאת הגרי"ד הלוי סלוביניצקי זצלה"ה
נרשם ונערך על ידי ברוך דוד שרייבר

THE PARAGRAPH OF א-ל ארץ אפים L-A CONTAINS THE SINNER'S PETITION THAT HE BE PERMITTED TO APPROACH G-D.

(1) There are two introductory paragraphs in the *Selichos* service in which we appeal to G-d to forgive our sins. The first paragraph reads:

א-ל ארץ אפים אתה ובעל הרחמים נקראת ודרך תשובה הורית... תפן
אלינו ברחמים... מחרון אפך תשוב.
*Your are the G-d of Kindness and You are known to be merciful.
You taught [Moshe] the methods of repentance... Please grace us
with your mercy... Avert Your anger.*

The second paragraph reads:

א-ל מלך יושב על כסא רחמים, מתנהג בחסידות ומוחל עונות עמו.
*G-d is the King who sits on the throne of mercy. He acts with
kindness and forgives the iniquities of His people.*

What is the difference between these two paragraphs? Why does the first paragraph emphasize that G-d acts with ארץ אפים while the second paragraph emphasizes that He acts with חסידות?

(2) Generally speaking, the first paragraph of א-ל ארץ אפים contains the sinner's supplicant that G-d listen to him. It would be arrogant for the sinner to simply tell G-d that he has sinned and is א חוטא or פושע. Once one has sinned, he has no right to approach or turn to G-d. He has forfeited all of the privileges that G-d bestowed upon him. Thus, in the first paragraph we announce our intent to do *Teshuvah*, and beg G-d to listen to us. The second paragraph contains our prayer for מחילה וסליחה, *expiation and forgiveness*. Just because one responded and did *Teshuvah* correctly, does not

automatically mean that G-d is obligated ,כביכול, to forgive him or grant him atonement.

The latter requires a special prayer.

(3) The first paragraph of א-ל-ל ארך אפים states:

דרך תשובה הורית.

You taught Moshe the methods of repentance.

This is our petition that G-d guide us to *Teshuvah*, that He lead us along the path of *Teshuvah* so that we will not get lost. Sometimes, one wishes to do *Teshuvah*, to repent, but he gets lost in the jungle of sins. We, therefore, ask G-d to lead us, to be our guide. We affirm that G-d not only entrusted *Moshe* with the mystery of *מחילה וסליחה*, but entrusted him with the greater mystery of how one should engage in *Teshuvah*, how not to get lost, how not to lose courage, and how to develop a sense of pride, and walk along the straight path.

(4) The paragraph continues:

תפן אלינו ברחמים.¹

Favor us with mercy.

G-d calls the person and invites him to do *Teshuvah*. If the person wishes to jump over his sins, G-d gives him a hand so that he can make the jump.

מחרון אפך שוב וכי. We ask G-d for protection during the time when we are engaged in *Teshuvah*. Sometimes it is a short time. *Chazal* speak about *קונה עולמו בשעה*.² Sometimes, however, it is a very long time until the *Baal Teshuvah* really finds himself. Not everybody who calls himself a *Baal Teshuvah* is indeed a sincere *Baal Teshuvah*. During that time, whether short or long, we beg G-d not to desert us. If G-d would desert us, we would become mired in the labyrinth of human affairs. Thus, once

¹ This is similar to the prayer of *נעילה* in which is recited *אתה נותן יד לפושעים*.

² *מסכת עבודה זרה דף י"ח ע"א*.

we have decided to do *Teshuvah*, we must immediately express that intention to G-d, and ask that G-d guide us in the same manner as a *Rebbe* guides a student, as an older brother guides his younger brother.

(5) In conclusion, the paragraph of א-ל ל ארץ אפים is recited at the commencement of *Selichos*, since before the sinner can beseech G-d for מחילה and סליחה, he must first ask G-d for guidance.

THE PARAGRAPH OF א-ל מלך יושב ON THE THRONE OF MERCY CONTAINS THE PETITION FOR סליחה AND מחילה.

(6) The second paragraph is then recited. It reads:

א-ל מלך יושב על כסא רחמים, מתנהג בחסידות מוחל עונות עמו.
G-d is the King who sits on the throne of mercy. He acts with kindness and forgives the iniquities of His people.

It does not contain the phrase of הורית תשובה; rather, it states מוחל עונות עמו. It speaks not of the תשובה, but of סליחה ומחילה. Asking for סליחה and מחילה is part of the כפרת היום of *Yom Kippur*. *Yom Kippur* is not delivered on a silver platter. Obtaining סליחה and מחילה is not a pleasant unexpected surprise awarded to man. The *Kedushas Hayom* of *Yom Kippur* expresses itself in searching for *Teshuvah* and in begging and fighting for סליחה ומחילה.

(7) In conclusion, both paragraphs are necessary. Each paragraph expresses a different stage of the sinner's return to G-d. First, the *Baal Teshuvah* must act. He must beg G-d to respond to his *Teshuvah*. Later, at a more advanced stage, the sinner can request סליחה and מחילה.

(8) As a matter of fact, the petition for סליחה and מחילה is, for the most part, limited to *Yom Kippur*. During the ימי תשובה, there is only a limited request for סליחה. From *Rosh Hashanah* on, throughout the ימי תשובה until *Yom Kippur*,

one must engage in *Teshuvah*. Though we recite תחנונים for סליחה and מחילה, this is not the primary objective. The ten days are called ימי תשובה עשרת ימי, and not עשרת ימי סליחה ומחילה. The request for סליחה and מחילה is, thus, primarily limited to *Yom Kippur*.

THE HAFTORAH ASSIGNED TO YOM KIPPUR CONTAINS G-D'S PROMISE OF FORGIVENESS, AND MIRRORS THE PARAGRAPH OF א-ל ארץ אפים.

(9) Interestingly, there are two *Haftoras* in ישעיהו dealing with *Teshuvah*. One *Haftorah* was assigned to תעניות צבור, and the other *Haftorah* was assigned to *Yom Kippur*. The *Haftorah* assigned to תענית צבור, is a הכרזה לתשובה, an appeal to do *Teshuvah*. On the other hand, the *Haftorah* assigned to *Yom Kippur* contains the הבטחת סליחה ומחילה, *G-d's promise that absolution from sin will be granted*.

These two *Haftoros* parallel the two paragraphs of א-ל ארץ אפים and א-ל מלך יושב. Of course, without רחמים, one would not attain סליחה, nor would one even be able to engage in *Teshuvah*. One would get completely lost in the labyrinth of his own sins and injustices.³

(10) In truth, the theme of דרך תשובה הורית, in which we implore G-d to guide and teach us the method of performing *Teshuvah*, is also found in the *Mussaf* of *Rosh Hashanah* and *Yom Kippur*, in the paragraphs of א-ל ארץ אפים and א-ל מלך יושב. These represent a רשות to offer our prayers, to approach G-d with our prayers. It would be presumptuous for a sinner to approach G-d without first asking His permission. Similarly, the paragraph of א-ל ארץ אפים is a נטילת רשות, whereby the sinner asks G-d for the right to approach Him, confide in Him and beg for סליחה ומחילה. That is why this paragraph is recited only once, and is not repeated, while א-ל מלך יושב

is repeated prior to each recitation of the *י"ג מדות*. There can not be *סליחה ומחילה* without the *י"ג מדות* of *ה' א-ל רחום וחנון*. G-d forgives the Jews only through the *י"ג מדות*

(11) In other words, the paragraph of *א-ל מלך יושב* is confined to *סליחה* and *ומחילה*. The paragraph of *א-ל ארך אפים* contains our petition to approach G-d. *וידוי*, *Tefillah*, and the prayers for *סליחה* and *מחילה*, are acts of arrogance. We ameliorate, that by asking G-d, at the very outset, that He grant us permission to approach Him, to pray for *סליחה* and *מחילה*. It is both a prayer for guidance, that the *Baal Teshuvah* not get lost, and also a prayer for forgiveness.

THE ATTRIBUTE OF *אֵרוֹךְ אַפַּיִם* IS EMPLOYED WHILE G-D WAITS FOR THE SINNER TO REPENT.

(12) Both paragraphs are necessary. Before the sinner engages in *Teshuvah* and repents, the primary attribute is *אֵרוֹךְ אַפַּיִם*. After one repents, the primary attribute is *מתנהג בחסידות*, *G-d acts with kindness*. Before the person repents and engages in *Teshuvah*, the question is not whether G-d will grant him *סליחה ומחילה*. The question, however, is whether G-d will wait for him. Is the sinner so worthy that G-d should wait for him until he abandons his folly and finally realizes that he must engage in *Teshuvah*? Is G-d supposed to be so tolerant? Is G-d supposed to exercise so much infinite patience and perseverance? This is the promise of *אֵרוֹךְ אַפַּיִם שְׂמַאֲרִיךְ אֲפִיו לְרַשְׁעִים*, *G-d waits for even the most wicked person*.⁴ *עד יום מותו תחכה לו..ואם ישוב מיד תקבלו*. This is the *Tefillah* for *אֵרוֹךְ אַפַּיִם*, for patience on the part of G-d to wait for many years, even during times in which the sinner does not intend to repent, and doesn't even think about

³ *וידוי* is indispensable for both *תשובה* and *מחילה*.

⁴ *מסכת סנהדרין דף קי"א ע"א*.

repentance. On the night of *Selichos*, we ask א-ל ארך אפים. We beseech G-d to wait a bit longer until the sinner is ready.

THE ATTRIBUTE OF חסד IS EMPLOYED WHEN G-D FORGIVES THE SINNER.

(13) The attribute of ארך אפים is central only before the sinner is ready to engage in *Teshuvah*. The moment one is ready to do *Teshuvah*, the attribute of ארך אפים is no longer necessary. Once he performs *Teshuvah* and recites וידוי, the attribute of ארך אפים, of G-d's infinite patience and perseverance, is secondary, and the central attribute, at that time, becomes חסד and מחילת החטא. It is for this reason, that the paragraph of א-ל מלך יושב relates that מתנהג בחסידות, *G-d acts with kindness in forgiving the sinner.*

(14) The *Gemara*⁵ explains that the attribute of רב חסד, means that מטה כלפי חסד, *G-d favors kindness.* The attribute of חסד, *kindness*, denotes that G-d favors kindness. The sinner does not deserve forgiveness; yet, G-d forgives him. According to the מדה of אמת, *truth*, the sinner does not deserve to be forgiven. One who commits a crime must pay the penalty. Nonetheless, G-d forgives the sinner because G-d is kind, He is מתנהג בחסידות.

THE SINNER MUST ABANDON HIS SINFUL THOUGHTS AS WELL.

(15) The *Passuk* states:

יעזוב רשע דרכו ואיש און מחשבותיו, וישוב אל ה' וירחמהו ואל
אלוקינו כי ירבה לסלוח (ישעיהו: נ"ה, א').
*The wicked person must abandon his evil ways, and the evil
person must discontinue his sinful designs. He should return to
G-d who will have mercy on him and will forgive him.*

The *Rambam* adds that one of the stages of תשובה is that the sinner must erase the sin from his thoughts and resolve never to repeat it again. He writes:

ומה היא התשובה? שיעזוב החוטא חטאו ויסורו ממחשבתו ויגמור בלבו שלא יעשהו עוד שנאמר יעזוב רשע דרכו ואיש און מחשבותיו (פ"ב מהלכות תשובה ה"ב).

What is true repentance? The sinner must discontinue his evil ways. He must erase sinful thoughts from his mind and resolve never to repeat the sins again. As the Passuk writes, "The wicked person must abandon his evil ways, and the evil person must discontinue his sinful designs."

(16) The sinner must stop thinking about the sin. The sinner must not only abandon the sin and retreat from sin, but must also alter his way of thinking. Little by little, he should alter his mindset so that, not only will he refrain from committing עבירות, but he also will not be tempted to sin. According to the *Rambam*, the *Passuk* of יעזוב רשע דרכו is an exhortation for the sinner to abandon his way of life, to leave the path along which he was traveling. Once he has done this, not only should he abandon the חטא, he should also not be tempted by or attracted to it.

This is what is meant by מחשבותיו ואיש און. If one merely abandons the מעשה חטא, *the physical act*, but does not alter his feelings towards חטא, the result will be *G-d will have mercy on him*. But, *G-d* will not necessarily forgive him. He does not yet deserve complete סליחה ומחילה, *total forgiveness*. However, ואיש ואל אלוקינו כי, if the sinner removes sin from his mind, the result will be *G-d will forgive him*.

(17) In other words, the דרכי תשובה expresses itself not only in עזיבת החטא, but in עזיבת הרצון לחטא as well. The sinner should no longer be attracted nor drawn to sin. The *Baal Teshuvah* often understates the pressure which the חטא exerts on him. The mere thought of חטא, the mere struggle with חטא is not commendable. One should abandon the חטא and forget it completely. The חטא should not have any magnetic

⁵ See ראש השנה דף י"ז ע"א.

powers over the person. This is alluded to in the above *Passuk*. The first stage is, יעזוב, the sinner must abandon and give up the concrete deeds. The next stage is רשע דרכו, the sinner must dismiss the sinful thoughts as well. He must reorganize his whole world. After abandoning these evil deeds, he is no longer labeled as a רשע; he is labeled as an איש און. He still has not separated from עבירות. One who gives up עבירות can only claim clemency, וישוב אל ה' וירחמנו. But if he surrenders his evil thoughts, מחשבותיו, then ואל אלוקינו כי ירבה לסלוח, there will be an abundance of forgiveness.

(18) The *Rambam* rules that the שעיר המשתלח provides expiation even to those who do not repent.⁶

The Rav explained how it is possible that one is forgiven without even engaging in *Teshuvah*. G-d grants one forgiveness, but, at the same time, the mere fact that the sinner obtains forgiveness, has a tremendous impact on him. Even if the sinner obtains forgiveness unconsciously, even if he is unaware of the great gift, of the unlimited חסד which G-d has bestowed upon him, the present itself, is not something extraneous. When G-d forgives, He changes the character of that person. Even if the person is unaware at the time that forgiveness is granted, on *Yom Kippur*, even if he is still wicked, corrupt and defiled by sin, yet, when G-d awards forgiveness, it is not just סלחתי. It is more than that. G-d presents the sinner with a new personality. G-d opens up new resources of inner strength and understanding so that, ultimately, the sinner will do *Teshuvah*. The forgiveness from G-d will lead him to *Teshuvah*. The forgiveness of G-d is a constructive factor; it is very powerful. Willy-nilly, the sinner will change. Suddenly, he

⁶ רמב"ם פ"א מהלכות תשובה ה"ב ע"ב.

will experience a certain longing for G-d, not knowing exactly where G-d is and how to reach Him and find Him. ובקשת משם. The *Torah*⁷ says:

בצר לך ומצאוך את הדברים האלה...ושבת עד ה' אלוֹקֶיךָ.
When Your are in distress and the curse of G-d was inflicted in you...and you shall return to G-d.

G-d will grant him forgiveness because of His unlimited חסד. The act of forgiveness bestowed upon him will, in and of itself, redeem him, purge him, and elevate him to newer heights of human dignity and understanding. G-d forgives, and the forgiveness leads to *Teshuvah*.

Sometimes the *Teshuvah* is the first stage and is followed by סליחה ומחילה. However, if one is completely immersed in חטא, the order is reversed. First, G-d forgives, and the מחילה then becomes a dynamic power in his personality that forces him to search for something new and good. Ultimately, the סליחה which precedes *Teshuvah* results in the סליחה which follows *Teshuvah*.

תושלביע

⁷ See דברים:ד,ל.

שיעור בהגדרת מצות לולב ביום טוב שני של גליות
ניסן, תשכ"ט
מאת הגר"ד הלוי סולובייציק זצלה"ה
נרשם ונערך על ידי ברוך דוד שרייבר

ושמחתם ולקחתם THE SCOPE OF THE MITZVOS OF

(1) This *Shiur* will discuss whether a *Lulav* which has been disqualified for use on יום טוב שני של גליות is also disqualified for use on יום טוב ראשון.

At the outset, it is necessary to distinguish between the terms יום טוב שני and יום טוב שני של גליות. The term יום טוב שני refers to the balance of the Holiday of *Succos* (i.e. the six days which follow the יום טוב ראשון of חג הסוכות). The term יום טוב שני של גליות refers to the second day of *Succos* which was observed in the Diaspora as a *Yom Tov* in the same manner as the first day of *Succos*. This second day was observed because they were unsure as to which of the two days had been established as the fifteenth day of *Tishrei*. This uncertainty is termed ספיקא דיומא.¹

It is also necessary to distinguish between the *Mitzvah* of ולקחתם and that of ושמחתם. The *Torah* writes:²

ולקחתם לכם ביום הראשון.

You shall take a Lulav on the first day of Succos.

¹ Until the time of הלל השני (circa 350 C.E.) the בית דין established each *Rosh Chodesh* (and, consequently, all of the Holidays) after interviewing people who witnessed the new crescent of the moon. This practice is denominated as קידוש על פי הראיה. Thus, Jews in the Diaspora who lived more than ten or eleven days travel time from Jerusalem, were unsure which of the two days had been established by the בית דין as the Holiday. The *Gemara* describes this state of uncertainty as: לא ידעין בקיבועא דירחא (i.e. unfamiliar with the establishment of the months). After הלל השני established the calendar, he sent out a missive that all Jews in the Diaspora must continue to observe the Holiday on both days and continue the practice adopted by their ancestors. He wrote: (מסכת ביצה דף ד' ע"ב) שלחו מתם הזהרו במנהג אבותיכם בידיכם, מנהג אבותיכם בידיכם, *the practice of the prior generations*, to observe each *Yom Tov* for two days. See the novel explanations for that directive provided in קובץ חידושי תורה להגר"ד עמוד מ"ז; משך חכמה, פרשת בא: י"ב, א' [ד"ה ובוה יצא].

For ease of reference, the term ספיקא דיומא, as used in this *Shiur*, includes both the original practice, prior to the establishment of the calendar, as well as that of הזהרו במנהג אבותיכם בידיכם.

[Editor's Note]

² See ויקרא: כ"ג, מ'.

The *Gemara*³ explains that this *Passuk* imposes an obligation to take the *Lulav* on the first day of *Succos*, both in the *Bais Hamikdash* and in all other locations. This *Mitzvah* is referred to as that of ושמחתם.

The *Torah* writes in the next *Passuk*:

ושמחתם לפני ה' אלוקיכם שבעת ימים.
You shall rejoice before the Lord for seven days.

The *Gemara*⁴ interprets this latter *Passuk* as requiring one to take a *Lulav* for seven days solely within the *Bais Hamikdash* (i.e. since the *Bais Hamikdash* is defined as לפני ה'). This *Mitzvah* is referred to as that of ושמחתם. After the *Bais Hamikdash* was destroyed, *R' Yochanan Ben Zakkai* instituted a תקנה that Jews all over the world take the *Lulav* for seven days זכר למקדש, to remind them of the practice in the *Bais Hamikdash*. The *Kiyum* obtained by this תקנה is also that of ושמחתם.⁵

(2) The *Mishnah* lists various defects which preclude the use of *Lulav* (and the other מינים) on the first day of *Succos*. These deficiencies are referred to as פסולי ראשון. Certain פסולי ראשון are acceptable for use on יום טוב שני. The חכמי אשכנז⁶ maintain that, nowadays, the requirement of לכם (i.e. that the *Lulav* be owned by the one who takes it) and that of חסר (i.e. that the object be whole) are not applicable to יום טוב שני (i.e. the remaining five or six days of *Succos*), in which the *Kiyum* of ושמחתם is imposed. They maintain that the *Kiyum* of ושמחתם is satisfied even with the use of those types of פסולים. However, פסולי הדר (i.e. any disqualification predicated on the object's

³ See מסכת סוכה דף מ"א ע"א ורש"י ד"ה במקדש.

⁴ Ibid.

⁵ See מסכת סוכה דף מ"א ע"א. The scope of this תקנה will be explained infra.

⁶ See רש"י דף ל"ו ע"ב ד"ה בשלמא; תוס' דף כ"ט ע"ב ד"ה בעינן. *Rashi* and *Tosfos* concede that in the *Bais Hamikdash* proper both לכם and חסר are indispensable.

appearance) are disqualified for use even on יום טוב שני. The ⁷חכמי ספרד are even more liberal with respect to the פסולים which may be used to discharge the *Kiyum* of ושמחתם. They permit the use of פסולי הדר on יום טוב שני, nowadays, but disqualify the use of פסולי חפצא (i.e. *any disqualification based upon Halachic defects in the object*) even on יום טוב שני.

With regard to יום טוב שני של גליות, we are confronted with the issue of ספיקא (i.e. *that the second day of Succos may be the actual Holiday and the first day of Succos may be חול, an ordinary weekday*). Since יום טוב שני של גליות is observed as a Holiday, one would assume that all פסולים which are precluded for use on יום טוב ראשון should likewise be disqualified on יום טוב שני של גליות. However, this problem is not mentioned in either the *Gemara* nor in the *Yerushalmi*.

THE RAMBAM MAINTAINS THAT פסולי ראשון ARE ACCEPTABLE ON יום טוב שני של גליות.

(3) The issue was first addressed by the *Ritva* and the *Rambam*. The *Rambam* writes:⁸

כל אלו שאמרנו שהם פסולין מפני מומין או מפני גזל וגניבה ביום טוב ראשון בלבד. אבל ביום טוב שני עם שאר הימים הכל כשר.
Whatever is disqualified for use, because of its defects or lack of proprietary interest, may not be utilized on the first day. These objects may be utilized, however, on the second day and throughout the balance of the Holiday.

The term “יום טוב שני” used in this sentence does not merely refer to the remainder of the

⁷ See רמב"ן מלחמות ה' דף י"ד ע"ב מדפי הרי"ף. The *Ramban*, however, maintains that in the *Bais Hamikdash*, הדר and חסר are indispensable, while לכם is not. The *Rambam* (פ"ה ה"ט) permits הדר, רשימות השיעורים למסכת סוכה עמ' קט"ז; קובץ חידושי תורה; מסורה חוברת י"ד עמ' ל"ח and לכם even in the *Bais Hamikdash*. See להגרי"ד עמ' קי"ד; for a detailed discussion by the Rav of the Halachic differences between the *Mitzvah* of ושמחתם and that of ולקחתם, and whether the *Mitzvah* of ושמחתם constitutes a separate *Mitzvah* governed by its own rules or if it is an extension of the *Mitzvah* of ולקחתם, and therefore subject to that *Mitzvah*'s rules.

Holiday of *Succos*. The balance of the Holiday of *Succos* is referred to in the phrase “שאר הימים.” The term “יום טוב שני,” must therefore, refer to יום טוב שני של גליות. Thus, the *Rambam* rules that כל פסולי ראשון, *all disqualifications*, which are acceptable on שאר הימים, *the remaining days of the Holiday*, are also acceptable on יום טוב שני של גליות, even though יום טוב שני של גליות is observed as a *Yom Tov* because of ספיקא דיומא (i.e. *that the second day of the Holiday may mark the actual commencement of the Holiday, and the first day may be חול, a regular weekday*).

(4) This position requires clarification. Why is this so? Why didn't the *Rambam* enjoin the use of the disqualified items on יום טוב שני של גליות insofar as יום טוב שני של גליות is equated with יום טוב ראשון? How can the *Rambam* rule, on one hand, that יום טוב שני של גליות is observed as a *Yom Tov*, yet, on the other hand, permit the use of פסולי ראשון?

(5) When the Rav was a child, his father, the גר"מ, became the Rabbi of the town of חסלביטש, a town replete with תלמידי חכמים and prominent חסידי חב"ד. It was customary that on the first day of each Holiday, after *Shul*, all of the members of the Community would assemble at the home of the Rabbi in order to fulfill the obligation of חייב אדם לקבל פני רבו ברגל. The Rabbi would recite *Divrei Torah*. During one of those gatherings, the גר"מ questioned the *Rambam's* language:

אבל ביום טוב שני עם שאר הימים הכל כשר.
These disqualified objects may be utilized, however, on the second day and throughout the balance of the Holiday.

Why does the *Rambam* add the words עם שאר הימים? It is a peculiar expression. He

⁸ קובץ חידושי תורה עמ' 112; פרק ח' מהלכות לולב הלכה ט' קמ"ח.

ought to have written the sentence differently:

כל אלו שאמרנו פסולין הן ביום ראשון בלבד. אבל מיום שני ואילך
הכל כשר.

The foregoing are disqualified for use only on the first day of Succos; however, they are not disqualified from and after the second day of Succos.

This would have expressed two rules. Firstly, that פסולי ראשון are acceptable during the balance of the Holiday, and secondly, that יום טוב שני של גליות is identified with the other days of Holiday (and not with the first day). The phrase מיום שני ואילך would have been much smoother. Why, then, does the *Rambam* discriminate between יום טוב שני and שאר הימים, and refer to them separately?

THE גר"מ ז"ל THEORIZED THAT ON יום טוב שני של גליות BOTH THE KIYUM OF ולקחתם AND THAT OF ושמתם ARE REALIZED.

(6) The גר"מ answered that on יום טוב שני של גליות, the *Mitzvah* of נטילת לולב is a dual one, comprised of two aspects. First, insofar as יום טוב שני של גליות is equated with יום טוב ראשון because of the ספיקא דיומא, one is obligated to take the *Lulav* on יום טוב שני של גליות since it may be the first day of *Succos*. The *Mitzvah* of *Lulav*, so realized, is that of לכם ביום הראשון. Second, *Lulav* is taken because of *R' Yochanan Ben Zakkai's* תקנה that *Lulav* be taken on all seven days of *Succos*. This latter *Mitzvah* is a *Kiyum* of the *Mitzvah* of ושמתם. The גר"מ expounded on his view as follows.

(7) *Prima facie*, one would assume that *R' Yochanan Ben Zakkai's* תקנה does not commence on יום טוב שני של גליות since *Lulav* must anyway be taken on that day because of the מנהג אבותיכם בידיכם. The latter precipitates an obligation to take *Lulav* as a function of the *Mitzvah* of ולקחתם (which is a מצוה

(דאורייתא), and, therefore, supersedes the *Kiyum* of ושמחתם that would otherwise have been realized as a result of the תקנה of R' Yochanan Ben Zakkai. If so, the תקנה of R' Yochanan Ben Zakkai commences on the first day of *Chol Hamoed* (i.e. the day immediately following יום טוב שני של גליות), and the *Kiyum* of ושמחתם engendered by that תקנה is not obtained on יום טוב שני של גליות. Only the *Kiyum* of ולקחתם is realized on יום טוב שני של גליות.

(8) The גר"מ felt that this is not accurate. If the first day of *Chol Hamoed* (i.e. the third day of *Succos* and the day immediately following יום טוב שני של גליות) is the first day on which the *Lulav* is taken by virtue of the תקנת ריב"ז (i.e. and that is the first day on which the *Kiyum* of ושמחתם is obtained), it would follow that *Lulav* should be taken on *Shemini Atzeres* as well. If the *Kiyum* of ושמחתם is suspended because of the ספיקא דינמא, that means that it is presumed that the יום ראשון is not a genuine יום ראשון, and that the second day of *Succos* (i.e. the יום טוב שני של גליות) is the true יום ראשון. By the same token, *Shemini Atzeres*, is presumed to be the seventh day of *Succos*, and not the eighth day. If so, *Lulav* should be taken on *Shemini Atzeres*, as well. In this scenario, the *Kiyum* of ולקחתם, and not that of ושמחתם, would be obtained on יום טוב שני של גליות.

In other words, if the ספיקא דינמא precipitates an obligation to take the *Lulav* on יום טוב שני של גליות, as a facet of the *Mitzvah* of ולקחתם (to the exclusion of that of ושמחתם), it is because of a concern that the second day may in fact be the first day of *Succos*. This should give rise to a concomitant obligation to take the *Lulav* on *Shemini Atzeres*, out of concern that it is in fact the seventh day of *Succos*.

(9) *Lulav* is not taken, nowadays, on *Shemini Atzeres*. It seems that the תקנת רבי יוחנן בן זכאי is somehow not affected by ספיקא דינמא. The תקנת רבי יוחנן בן זכאי

concludes on הושענא רבה. In contradistinction to *Lulav*, the principle of ספיקא דיומא was imposed with respect to the *Mitzvah* of sitting in a *Succah*. One is obligated to sit in the *Succah* on *Shemini Atzeres* since *Shemini Atzeres* may in fact be the seventh day of *Succos*. Whatever the rationale, ספיקא דיומא is observed vis a vis *Succah*, but not vis a vis the *Mitzvah* of *Lulav*.⁹ As far as the *Mitzvah* of *Lulav* is concerned, the final day of *Succos* is הושענא רבה.

It follows, that if ספיקא דיומא has no application to the *Mitzvah* of *Lulav* as of the conclusion of the Holiday, with the result that *Lulav* is not taken on *Shemini Atzeres*, it likewise should have no affect on the *Mitzvah* of *Lulav* at the beginning of the Holiday. If so, the יום טוב שני של גליות does in fact commence on יום טוב שני של גליות (and not on the first day of *Chol Hamoed*), and a *Kiyum* of ושמתם is, in fact, realized on יום טוב שני של גליות.

(10) The question, therefore, arises. Is a *Kiyum* of ולקחתם realized on יום טוב שני של גליות, and if so, how does it interact with the *Kiyum* of ושמתם also obtained on that day?

בזמן הראיה, THE *KIYUM* OF ושמתם WAS NOT OBTAINED DEFINITELY ON יום טוב שני של גליות.

(11) The גר"מ noted that there is a difference between our practice בזמן הזה, and the practice in the Diaspora בזמן הראיה. During זמן הראיה, the Jews in the Diaspora took the *Lulav* on *Shemini Atzeres* as well since they were confronted with a

⁹ The *Rishonim* explain that ספיקא דיומא was imposed only for מצות דאורייתא and not for מצות דרבנן. Thus, מצות לולב is observed on מצות סוכה while מצות עזרת (on all days other than the first day) is not observed. See תוספות מסכת סוכה דף מ"ז ע"א ד"ה מיתב, who adds that taking a *Lulav* on מצות עזרת would violate an איסור טלטול. The Rav felt that ספיקא דיומא does not apply to *Mitzvos* which are observed as זכר למקדש (such as *Lulav*), since in the *Bais Hamikdash*, there was never a doubt as to when the Holiday commenced.

genuine *Succos* ¹⁰ ספיקא דיומא. They did not know which was the actual first day of *Succos*. They were unsure whether *Rosh Chodesh Elul* was a מלא (i.e. it contained 30 days) or a חסר (i.e. it contained only 29 days).¹¹ They, therefore, had to double count. They counted seven days from the first day of *Succos*, and they counted seven days from the second day of *Succos*. *Shemini Atzeres* was observed as both the last day of *Succos* as well as the Holiday of *Shemini Atzeres*, and they took the *Lulav* on *Shemini Atzeres* as well. The second day of *Succos*, in such case, was a ספק ושמחתם ספק לקחתם. If that day was in fact the first day of *Succos*, the *Mitzvah* of *Lulav* realized on that day was the *Mitzvah* of ולקחתם. But, if the prior day was the genuine יום ראשון, the *Mitzvah* realized on the second day was solely that of ושמחתם (which is derived from the תקנה of R' *Yochanan Ben Zakkai*). This was the case בזמן הראיה.

NOWADAYS, THE *KIYUM* OF *ושמחתם* IS DEFINITELY OBTAINED ON יום טוב שני של גליות.

(12) Nowadays, we are aware of קיבועא דירחא. The calendar has been established and we know for certain on which day the Holiday occurs. However, a ספק of מנהג אבותיכם בידיכם has been imposed upon us. Nonetheless, הלל השני did not insist that the seven days of R' *Yochanan Ben Zakkai's* תקנה be extended to *Shemini Atzeres* as a result of ספיקא דיומא. Thus, *Shemini Atzeres* is completely eliminated from the count of the seven days. The last day of תקנת ריב"ז is the seventh day of *Succos* (i.e. הושענא רבה). Consequently, the first day of on which R' *Yochanan Ben Zakkai's* תקנה takes effect is the second day of *Succos* (i.e. יום טוב שני של גליות), and the *Kiyum* of *ושמחתם* is

¹⁰ The Rav quoted the *Rambam* who expresses this view. See מהלכות פיו רמב"ם פ"ז מהלכות מסכת סוכה דף מ"ו ע"ב; רמב"ם פ"ז מהלכות לולב הכיין.

¹¹ For example, if *Rosh Chodesh Elul* was a חסר (i.e. it contained only 29 days) the first day of *Succos* would be on a certain day. If in that year, *Rosh Chodesh Elul* was a מלא, the first day of *Succos* would be

realized on that day.

However, insofar as the *מנהג אבותיכם בידיכם* perpetuates the *ספיקא דיומא*, the second day of *Succos* is still treated in the identical manner as the first day (albeit *בתורת ספק*). Thus, all of the rules governing the first day pertain to the second day as well. The *Mitzvah* of *ולקחתם*, therefore, applies on the second day (*בתורת ספק*), just as it does on the first day of *Succos*. The *פסולים* which are disqualified for use on the first day are, therefore, disqualified for use on the second day as far as the *Kiyum* of *ולקחתם* is concerned.¹²

(13) In other words, nowadays, *Lulav* is taken on the first day of *Succos* since that day is the genuine *יום ראשון*, and the *Kiyum* of *ולקחתם* is definitively obtained on *יום ראשון*. Moreover, the second day of *Succos* (i.e. *יום טוב שני של גליות*) marks the beginning of *R' Yochanan Ben Zakkai's* *תקנה*. Thus, the *Kiyum* of *ושמחתם* is definitively realized on *יום טוב שני של גליות*.¹³ However, the *Mitzvah* of *ולקחתם* is also obtained on *יום טוב שני של גליות* (albeit *ספק*) since the *מנהג אבותיכם בידיכם* dictates that *יום טוב שני של גליות* be observed as *ספיקא דיומא* (i.e. out of fear that it may in fact be *יום ראשון*).

Accordingly, one who takes the *Lulav* on the second day of *Succos* nowadays, (i.e. on *יום טוב שני של גליות*) achieves two objectives. One objective, one *Mitzvah*, is achieved *בתורת ספק*, namely, that of *ולקחתם*. The second objective, the second *Mitzvah* is obtained *ודאי*, namely, that of *ושמחתם*.¹⁴

the following day.

¹² However, as far as the *Kiyum* of *ושמחתם* is concerned, such *פסולים* are acceptable.

¹³ As noted, *R' Yochanan ben Zakkai's* *תקנה* extended the *Mitzvah* of *ושמחתם*, which requires that *Lulav* be taken on all seven days in the *Bais Hamikdash*, to all other locations.

¹⁴ As noted, the *תקנה* of *ושמחתם* was not imposed *בתורת ספק*. Had *ושמחתם* been imposed *בתורת ספק* it

פסולי ראשון SHOULD BE AVOIDED ON יום טוב שני של גליות BECAUSE OF THE KIYUM OF ולקחתם IMPOSED ON THAT DAY.

(14) The גר"מ concluded that this is the reason why the *Rambam* rules that one may take פסולים on יום טוב שני של גליות. Admittedly, as far as the *Mitzvah* of ולקחתם is concerned, all פסולים are disqualified. However, the *Mitzvah* of ושמתם is certainly fulfilled thereby. With regard to ושמתם, all פסולים are acceptable. The *Rambam*, therefore, states: אבל ביום טוב שני עם שאר הימים הכל כשר, to express that as far as the *Mitzvah* of ולקחתם is concerned, all פסולים are unacceptable on יום טוב שני של גליות as well (since it is a פסול ראשון). However, as far as the *Mitzvah* of ושמתם is concerned, these פסולים are acceptable. יום טוב שני של גליות marks the first of the seven days of the *Mitzvah* of ושמתם (in addition to being the second day on which ולקחתם is observed).

Moreover, one can recite a *Bracha* on such פסולים on יום טוב שני של גליות, since the *Kiyum* of ושמתם is realized on that day ודאי, and not בתורת ספק. It is a certainty. It is not subject to doubt.

(15) The גר"מ added that even though the *Rambam* stressed that all פסולים are acceptable on יום טוב שני של גליות (and on the balance of *Succos*), and even though one may pronounce a *Bracha*, insofar as he is assured of the *Kiyum* of ושמתם, nonetheless, it is still incumbent upon each person to attempt to use on יום טוב שני של גליות a *Lulav* which is free of פסולים. He reasoned that since the *Kiyum* of ולקחתם is obtained on יום טוב שני של גליות (albeit בתורת ספק), only a *Lulav* which is not disqualified can be used to discharge the *Kiyum* of ולקחתם.

One who employs a *Lulav* free of פסולים obtains two *Kiyumim*: (1) the *Kiyum* of

would have been introduced on *Shemini Atzeres* as well.

ושמחתם (בתורת ודאי) and (2) that of ולקחתם (בתורת הספק). However, if the *Lulav* is defective, the *Kiyum* of ולקחתם can not be realized.

(16) As a matter of fact, the *Gemara* says:¹⁵

לא ליקיני איניש לולבא ביומא קמא לקטן.
*One cannot transfer a Lulav to a minor on the first day of Succos
since a minor can acquire the Lulav but is unable to return it.*

When the Rav was a child, *Esrogim* were very expensive and difficult to obtain. The גריימ could only buy one *Esrog*. The גריימ was careful not to transfer the *Esrog* on the first day to his children. He would only permit them to hold the *Esrog* without הקנאה, without acquiring it. However, on the second day, he would transfer the *Esrog* to them after he fulfilled מצות לולב.

The גריימ reasoned that as far as the *Kiyum* of ושמחתם is concerned, לכם is not required on the second day (i.e. one need not have a proprietary interest in the *Lulav* in order to satisfy the *Mitzvah* of *Lulav*). However, as far as the *Kiyum* of ולקחתם is concerned, לכם is required on the second day as well. Thus, if the גריימ had transferred the *Lulav* to his children on the first day, he could never have acquired it back from them, and he would have been unable to satisfy the *Kiyum* of ולקחתם on the second day. He, therefore, did not give the children the *Lulav* to his children, until after he had taken it on the second day (and satisfied the *Kiyum* of ולקחתם). On subsequent days he was able to discharge the *Kiyum* of ושמחתם, even though he lacked לכם, since the *Kiyum* of ושמחתם is obtained even with disqualified items (i.e. פסולי ראשון) and even by one who lacks לכם and does not possess a proprietary interest in the *Lulav*.

¹⁵ מסכת סוכה דף מ"ו ע"ב

ACCORDING TO THE RAV, THE *KIYUM* OF ולקחתם IS NOT OBTAINED ON יום טוב שני של גליות.

(17) The Rav was not satisfied with his father's interpretation. The Rav felt that, according to the *Rambam*, פסולים are not disqualified on יום טוב שני של גליות, not from the viewpoint of ולקחתם and not from that of ושמתם. That is why the *Rambam* equates יום טוב שני with the other days (i.e. ביום טוב שני עם שאר הימים), and this is what the phrase שאר הימים signifies. יום טוב שני is part of the שאר הימים unit, and not a component of יום טוב ראשון.

The גר"מ had concluded that, according to the *Rambam*, בדיעבד, as a matter of last resort, פסולי ראשון are acceptable and one may pronounce a *Bracha* on it, but, preferably, it is necessary to obtain a כשר since another *Kiyum* is involved, namely, ולקחתם. The Rav argued that if this were true the *Rambam* would have so written explicitly. He would have written:

אבל יום טוב שני עם שאר הימים אם אין לו כשר מברך על הפסול.
*But on the second day of Yom Tov, if one can not obtain a satisfactory Lulav (which does not suffer from any of the פסולים deficiencies) one may utilize a Lulav which is defective.*¹⁶

He didn't write that one may recite a *Bracha* only אם אין לו כשר, as a matter of last resort; he wrote הכל כשר, everything is acceptable, even לכתחילה, as a matter of preference. The words הכל כשר indicate that one may utilize a פסול even as a matter of preference.

(18) The Rav, therefore, proposed that according to the *Rambam* the only *Kiyum* obtained on יום טוב שני של גליות is that of ושמתם. The *Kiyum* of ולקחתם is

¹⁶ The גר"מ was convinced that the *Rambam* refers to a case of בדיעבד (i.e. if one cannot obtain a *Lulav* free of defects.) However, if one can obtain a *Lulav* free of defects, he should not take a פסול since the

יום טוב פסולים are acceptable on יום טוב שני של גליות not obtained on יום טוב שני של גליות. Accordingly, all פסולים are acceptable on יום טוב שני של גליות and one need not attempt to obtain a *Lulav* which is free of פסולים.¹⁷

(19) To support this theory, the Rav discussed another innovation developed by the *Rambam*. The *Gemara*¹⁸ notes:

מניח אדם עירובי תבשילין מיום טוב לחבירו ומתנה.
One can prepare an עירוב תבשילין on the first day of Yom Tov and stipulate about its efficacy in respect of the second day of Yom Tov.

For example, if *Yom Tov* occurs on Thursday and Friday, one who forgot to prepare an עירוב תבשילין on Wednesday, may still effect an עירוב תבשילין by use of a תנאי. He must prepare the תבשיל and פת for the עירוב תבשילין on the first day of *Yom Tov* (i.e. Thursday) and stipulate that if Thursday is *Yom Tov* and tomorrow (i.e. Friday) is חול and Friday is *Yom Tov*, then this should constitute the עירוב תבשילין. If, however, the reverse is true, and Thursday is חול and Friday is *Yom Tov*, then this should constitute the עירוב תבשילין. If, however, the reverse is true, and Thursday is חול and Friday is *Yom Tov*, then this should constitute the עירוב תבשילין.

The same *Halacha* applies to תרומה. It is forbidden to designate תרומה or חלה on *Yom Tov*. However, if one forgot to take חלה, he must take a portion of the dough on the first day of *Yom Tov* and stipulate that if today is *Yom Tov* and tomorrow is חול, then this act is meaningless. However, if tomorrow is *Yom Tov* and today is חול, this action shall constitute a הפרשת חלה. He must repeat this procedure on the next day and stipulate that if yesterday was *Yom Tov* and today is חול, then this הפרשה should be effective. If yesterday was חול and today is *Yom Tov*, then the הפרשה performed yesterday already

Mitzvah of ולקחתם will not be satisfied thereby.

¹⁷ The גריימ didn't agree or disagree with the Rav's interpretation. He listened and walked away. The Rav never questioned him further about this matter.

¹⁸ Sec מסכת ביצה דף י"ז ע"א

took effect.

THE RAMBAM MAINTAINS THAT, NOWADAYS, BOTH DAYS OF YOM TOV ENJOY A DEFINITIVE KEDUSHAS HAYOM.

(20) The *Rambam* writes¹⁹:

כל הדברים האלו שאמרנו היו בזמן שבית דין של ארץ ישראל מקדשין על פי הראיה והיו בני הגלות עושין שני ימים כדי להסתלק מן הספק (לפי שלא היו יודעין יום שקדשו בו בני ארץ ישראל). אבל היום שבני ארץ ישראל סומכין על החשבון ומקדשין עליו, אין יום טוב שני להסתלק מן הספק אלא מנהג בלבד. ולפיכך אני אומר שאין אדם מערב ומתנה בזמן הזה לא עירובי תבשילין ואינו מעשר הטבל על תנאי אלא הכל מערב יום טוב בלבד.

*All of the foregoing rules that one can designate תרומה and place an עירוב תבשילין through stipulation, are applicable only during the time when Bais Din would designate each month after receiving testimony, and those who lived outside of Eretz Yisroel, in the Diaspora, would observe two days simply because they were involved in a quandary. They did not know which day was the genuine Yom Tov. Nowadays, however, the second day is observed because of an ancient custom. Therefore, I maintain that a man cannot place a conditional עירוב תבשילין nor conditionally set apart תרומות ומעשרות. He must complete everything on Erev Yom Tov.*²⁰

According to the *Rambam*, nowadays that we rely on the חשבון (i.e. *the calendar has already been established*) the element of ספק has been eliminated from יום טוב שני של גליות. The הזחרו במנהג אבותיכם בידיכם of תקנה mandates that both days be observed as definitive *Yomim Tovim*. Both days are deemed to be holy.²¹ Prior to הלל השני, the Jews in the Diaspora observed *Yom Tov* for two days because of the ספק as to which day was the correct Holiday. They knew that one of the two days was really חול. However, after the institution of הלל השני, both days are conclusively deemed to be *Yom*

¹⁹ פרק ו' מהלכות יום טוב היידי

²⁰ In other *Shiurim*, the Rav raised the question of why the *Rambam* (פרק ח' מהלכות עירובין הטי"ו) seemingly permits one to place a conditional עירובי חצרות on the first day of *Yom Tov* nowadays. See שיעור הגריי"ד על ענין ב' ימים דראש השנה (אדר, תשכ"ד) עמוד 2 (בהעתקת רב צבי שטר שליטיא) [Editor's Note]

²¹ Of course, as far as penalty is concerned, one who desecrates the first day of *Yom Tov* violates a דרבנן, while one who violates the second day of *Yom Tov*, violates a דאורייתא. However, as far as the

Tov. Admittedly, this is only a *Minhag, a custom*,²² however, the upshot of this is that both days are deemed to be *Yom Tov* ודאי בתורת ספק and not בתורת ספק.

In practice, the *Rambam's* opinion is followed.²³ Nowadays, one does not place an עירוב תבשילין על תנאי. In practice, one who forgets to place an עירוב תבשילין must seek permission from the Rabbi of the city to rely on the Rabbi's עירוב תבשילין (which includes everyone in the city). The Rav never witnessed a הוראה advising one to make an עירוב תבשילין על תנאי on *Yom Tov*. However, he had not found any other *Rishon* who concurs with the *Rambam*.

(21) According to the *Rambam* what is the character of יום טוב שני של גליות nowadays? Originally, יום טוב שני של גליות was observed as a ספק. The character and substance of יום טוב שני של גליות was rooted in ספק קיבועא דירחא (i.e. *they were in doubt as to which day was the correct Holiday*). However, nowadays יום טוב שני של גליות is observed as a ודאי, what exactly is its substance? For example, according to the other *Rishonim*, the second and eighth days of *Pesach* are observed as a ספק יום טוב. According to the *Rambam*, the second and eighth days of *Pesach* are observed as definitive *Yomim Tovim* ודאי בתורת ספק. Thus, according to the *Rambam*, *Pesach* consists of eight days and *Succos* (together with *Shemini Atzeres*) consists of nine days. What does this mean *Halachically*?

THE M'LA'KHA OF מנהג אבותיכם בידיכם ENJOINS מלאכה AND REQUIRES THE PERFORMANCE OF MITZVOS.

(22) The Rav answered that, according to the *Rambam*, יום טוב שני של גליות is

observance is concerned, both days are endowed with identical *Kedushos Hayom*.

²² The phrase מנהג אבותיכם בידיכם refers to the תקנה of מנהג בלבד. The word *Minhag* is used to the exclusion of ספק, and denotes that both days are observed ודאי בתורת ספק.

²³ This is so even though the *Shulchan Aruch* (ד"ר סימן תקכ"ו סעיף ד') permits the use of תנאי

a day which was endowed by בית דינו של הלל השני²⁴ with *Kedushas Hayom*. This *Kedushah* results in איסור במלאכה and in the performance of the *Mitzvos* which are typical of the day.²⁵ The *Halacha* of מנהג אבותיכם בידיכם precipitates that a *Kedushas Hayom* is established, both with regard to איסור מלאכה and vis a vis all *Mitzvos* which are linked up with the first day. It is an additional day of *Yom Tov*, a יום נוסף, which בית דינו של הלל השני invested with *Kedushas Hayom* with regard to both aspects (i.e. that concerning איסור מלאכה and that concerning the מצות היום). יום טוב שני של גליות is a repeat performance of יום טוב ראשון. Whatever is practiced on the first, is repeated on the second.²⁶

(23) On the other hand, according to the other *Rishonim*, יום טוב שני של גליות is a ספק; one does not repeat anything. One observes יום טוב שני של גליות insofar as the first day is declared to be completely invalid and worthless. The first day may have been חול. Thus, the second day is observed as the genuine Holiday.

THE **נולדה בזה מותרת בזה** INFERS THAT THE PRINCIPLE OF **ספר החינוך** HAS BEEN SUSPENDED NOWADAYS.

(24) The **ספר החינוך**²⁷ draws a radical inference from the *Rambam's* view. He reasons that, according to the *Rambam*, the principle of **נולדה בזה מותרת בזה** has been abandoned.

nowadays.

²⁴ שלחו מתם הזהרו במנהג אבותיכם בידיכם הלל השני was the head of the *Bais Din* who introduced established the calendar and was responsible for the חשבון.

²⁵ In contrast to the general rule of אין מברכין על הספק, the *Gemara* (*Shabbos*: 23 a) states that a *Bracha* is recited on the *Mitzvos* performed on יום טוב שני של גליות in order to preserve the integrity of that day (ולא ליתי לזלזל במועדים). See the beautiful interpretation in פניי מהלכות ברכות הטי"ז who distinguishes between those *Mitzvos* which were introduced by *Minhag* (e.g. ערבה בגבולים), and *Mitzvos* which originated in the *Torah*, but which are observed on other days as well as a result of a מנהג (e.g. eating *Matzah* on the second night of *Pesach*). A *Bracha* is only recited on the latter. [Editor's Note]

²⁶ The precise nature of this תקנה and its ramifications are explained in Paragraphs 39-44.

²⁷ ח"י ר"י הלוי פ"ו מהל י"ט הי"א; מצוה ש"א.

To understand this inference, it is first necessary to explain certain rudimentary principles of the laws of מוקצה.

(25) By definition, all items which will be utilized on *Yom Tov* must have been prepared or designated for such use prior to the commencement of *Yom Tov*. This designation is denominated as הכנה. An item which was not prepared nor designated for use as of the commencement of *Yom Tov* (i.e. an item which lacks הכנה) is termed מוקצה and may not be used.

The rule of בזה מותרת בזה שנולדה בזה involves the case of an egg which was laid on the first day of *Yom Tov*. That egg is treated as מוקצה since it was not in existence prior to the commencement of *Yom Tov*. It, therefore, lacks הכנה (i.e. *the designation for use which is required in order to utilize any item on Yom Tov*), and may not be eaten on the first day of *Yom Tov*.²⁸

The *Gemara* concludes, however, that such an egg may be utilized on the second day of *Yom Tov* (i.e. יום טוב שני של גליות). They reason that the egg is deemed to have been prepared on the first day of *Yom Tov* for use on the second day of *Yom Tov* (i.e. *one can perform הכנה on an item on the first day of Yom Tov for use on the second day of Yom Tov*). This is based on the theory that one of the two days is in fact חול, and so הכנה is either implemented (if the first day is חול) or unnecessary (if the second day is חול). If the first day of *Yom Tov* was in fact חול, then חול מכין ליום טוב, and the egg was prepared on that day. If the first day was in fact *Yom Tov*, then the second day is חול, and the laws of מוקצה do not apply to a חול.

²⁸ The *Rishonim* explain why an egg laid on *Yom Tov* is not deemed to have been prepared as of the day before. See רמב"ם פ"א מהלכות יום טוב ה"ט; מלחמות ה' ריש ביצה.

The ספר החינוך theorizes that, according to the *Rambam*, the rule of ביצה שנולדה applies only בזמן הראיה בזמן החשבון and not nowadays. He reasons that since the principle of ביצה שנולדה is based on the supposition that one of the two days of *Yom Tov* is חול, the *Rambam* who maintains that both days are deemed to constitute *Yom Tov* ודאי, should likewise rule that ביצה אסורה בזמן (i.e. *the egg should not be eaten on the second day insofar as it lacks הכנה*). Since both days of *Yom Tov* are observed ודאי, and none of the days is a יום חול, the first day can not provide הכנה for the second day and one can not employ a תנאי.

The ספר החינוך compares this to the situation which prevails on *Rosh Hashanah*. Both days of *Rosh Hashanah* are observed ודאי. בתורתו.²⁹ The *Rambam*,³⁰ therefore, rules that an egg laid on the first day of *Rosh Hashanah* can not be eaten on the second day, since it lacks הכנה. The first day of *Rosh Hashanah* can not designate it for use on the second day, insofar as both days are each deemed a *Yom Tov*. A תנאי can, therefore, not be effected. Likewise, an egg laid on the first day of *Yom Tov* should not be eaten on the second day of *Yom Tov*, insofar as both days of *Yom Tov* are observed as two definitive Holidays. There should be no distinction between *Rosh Hashanah*, where the rule is formulated as ביצה אסורה בזמן, and the other *Yomim Tovim*.

(27) Logically, the ספר החינוך is correct. However, a close scrutiny of the *Rambam's* language does not confirm his interpretation. The *Rambam* writes:³¹

זה שאנו עושין בחוץ לארץ כל יום טוב מאלו שני ימים, מנהג הוא.
 ויום טוב שני מדברי סופרים הוא...
Observing two days of Yom Tov in the Diaspora is a custom. The

²⁹ מסכת ביצה דף ד' ע"ב.

³⁰ פ"א מהלכות יום טוב הכ"ד.

³¹ פרק א' מהלכות יום טוב הכ"א.

second day of Yom Tov is Rabbinically mandated...

The *Rambam* does not refer to זמן הראיה. He refers solely to זמן החשבון. Yet, in the next sentences, he writes:

יום טוב שני אף על פי שהוא מדברי סופרים כל דבר שאסור בראשון
אסור בשני...שני ימים טובים של גליות שתי קדושות הן... כיצד ביצה
שנולדה בראשון תאכל בשני...

Though observing the second days of Yom Tov is a Rabbinical imperative, the laws of מוקצה are the same for both days...The two days of Yom Tov are each endowed with independent sanctity... Thus, an egg laid on the first day may be eaten on the second day.

Though the conclusion of the ספר החינוך is logically correct, nonetheless, it is disproved by the *Rambam*'s unequivocal statement that, with respect to the two days of *Yom Tov*, the rule even nowadays remains that נולדה בזה מותרת בזה

The Rav noted that he had not located any other *Rishon* who maintains that, according to the *Rambam*, the rule should be altered to נולדה בזה אסורה בזה.³² The question remains, however, why is this so? Why does the *Rambam* retain the rule of נולדה בזה מותרת בזה?

THE RULE OF נולדה בזה מותרת בזה IS NOT BASED UPON THE PREMISE THAT ONE OF THE DAYS IS חול.

(28) The Rav explained that the treatment of יום טוב שני של גליות as a definitive Holiday has no effect on the rule of נולדה בזה מותרת בזה. He noted that the *Gemara*³³ cites a מחלוקת אמוראים regarding the question of whether, whenever *Yom Tov* and *Shabbos* occur on consecutive days (i.e. שבת הסמוכה ליום טוב), an egg laid on the first day may be eaten on the next day (i.e. if נולדה בזה מותרת בזה or if נולדה בזה אסורה בזה).

³² The exception to this rule is *Rosh Hashanah* which is treated as יומא אריכתא, *one consecutive day*.

³³ See מסכת ביצה דף ע"א.

The *Gemara* explains that the מחלוקת is predicated on the other question of whether *Yom Tov* and *Shabbos* constitute שתי קדושות or whether *Yom Tov* and *Shabbos* constitute קדושה אחת. If *Yom Tov* and *Shabbos* constitute שתי קדושות then נולדה בזה מותרת בזה. If they constitute קדושה אחת then נולדה בזה אסורה בזה.

Why would *Yom Tov* and *Shabbos* be treated as שתי קדושות? There is no ספק which raises doubt as to whether one of the days is חול and the other is קודש? They are both קודש. Why, then, does the *Gemara* assert that if *Yom Tov* and *Shabbos* possess שתי קדושות then the rule would be that נולדה בזה מותרת בזה, *an egg laid on the first day may be eaten on the second day*?

Similarly, *R' Yehudah*³⁴ rules that on *Rosh Hashanah* נולדה בזה מותרת בזה, since he maintains that both days of *Rosh Hashanah* possess שתי קדושות. *R' Yehudah* certainly does not maintain that *Rosh Hashanah* is חול ספק קודש. He concedes that both days are קודש. Why then should the rule of נולדה בזה מותרת בזה apply if both days are קודש? Why doesn't the rule of נולדה בזה אסורה בזה apply in that situation?

(29) The conclusion to be drawn is that the rule of נולדה בזה מותרת בזה is not predicated on ספק. Had this principle been predicated on ספק, an egg laid on *Shabbos* could not be eaten on the next day, which occurs on *Yom Tov*, even if they are treated as שתי קדושות. The rule of נולדה בזה אסורה בזה is predicated, not on the issue of ספק, but on that of שתי קדושות. ספק is a valid rationale to invoke נולדה בזה מותרת בזה (יום טוב הסמוכה לחבירו). However, even when ספק cannot be employed, as in the case when *Shabbos* and *Yom Tov* occur on consecutive days, the rule remains that נולדה בזה מותרת בזה if both days are endowed with שתי קדושות,

independent sanctity.

Why? What does the term קדושה אחת signify? What does the term קדושה שתי denote? What does it mean that *Rosh Hashanah* has קדושה אחת and that the other *Yomim Tovim* possess קדושה שתי?

THE PHRASE קדושה שתי REFLECTS THAT BOTH DAYS ARE PROVIDED WITH A DIFFERENT בִּין הַשְּׁמֹשׁוֹת FOR מוֹקְצָה PURPOSES.

(30) The *Gemara* refers to *Rosh Hashanah* as יומא אריכתא, *an extended day*.

Similarly, The *Rambam* writes:³⁵

שני ימים טובים אלו של גליות שתי קדושת הן ואינן כיום אחד... אבל שני ימים של ראש השנה קדושה אחת הן וכיום אחד חשובים.
The two days of Yom Tov are each endowed with an independent sanctity and are not treated as one day... The two days of Rosh Hashanah, however, are endowed with a single unitary sanctity and are deemed to constitute one day.

Why does the *Rambam* add that, not only are both days of *Rosh Hashanah* treated as having קדושה אחת, but they are also וכיום אחד, *they are deemed to constitute one day*?

What other message does the phrase of יומא אריכתא add?

(31) The Rav answered that the מוקצה of אוסר on *Shabbos* and *Yom Tov* (i.e. *the factor which classifies an item as מוקצה*) is determined by the status of that object on בִּין הַשְּׁמֹשׁוֹת, *the twilight of the first night of Yom Tov*. The *Gemara* often writes:³⁶

מיגו דאתקצאי לבין השמשות אתקצאי לכולא יומא.
Since the item is precluded from use as of the eve of Yom Tov, it may not be utilized during the entire next day.

The following question arises whenever two consecutive days are each endowed with their own *Kedushas Hayom* (i.e. קדושה שתי). Which בִּין הַשְּׁמֹשׁוֹת is the אוסר (i.e.

³⁴ See עירובין דף ל"ט ע"א.

³⁵ פ"א מהלכות יום טוב הכ"ד.

³⁶ See, e.g. מסכת שבת דף מ"ג ע"א. See also ספר ארץ הצבי סימן ז' אות ט'. [Editor's Note]

which *precipitates* the *איסור מוקצה* of those days)? Does each day have its own *בין השמשות* or not? Is the *איסור מוקצה* of the first day ushered in by the *בין השמשות* of the first day, and the *איסור מוקצה* of the second day by the *בין השמשות* of the second day, or does the first *בין השמשות* precipitate an *איסור מוקצה* for both days together, for a forty-eight hour period?

If they are treated as *שתי קדושות*, *as two separate days*, each day has its own *איסור*, its own *בין השמשות*. The *בין השמשות* of the first day results in a limited *איסור מוקצה* for twenty-four hours until the next *בין השמשות*. The *בין השמשות* of the second day then introduces its own *איסור מוקצה* for an additional twenty-four hours. In other words, if the latter, the *בין השמשות* of the first day does not relate to the second day.

THE DISTINCTION BETWEEN *ROSH HASHANAH* AND THE TWO DAYS OF *YOM TOV*.

(32) This is the point of departure between *ימים טובים של גליות* and *Rosh Hashanah*. With respect to *Rosh Hashanah*, the first *בין השמשות* introduces an *איסור מוקצה* for both days, for the full forty-eight hours until *Motzei Yom Tov*. On the other hand, the *בין השמשות* of the other *Yomim Tovim* is not as encompassing. The first day of *Yom Tov* has its own *בין השמשות*, and the second day of *Yom Tov* (i.e. the *יום טוב שני של גליות*) has another *בין השמשות*.

That is why the *Gemara* does not merely refer to *Rosh Hashanah* as *קדושה אחת*. The phrase *קדושה אחת* does not adequately express this concept. The *Gemara* adds *וכיומא אריכתא דמי*. *Rosh Hashanah* is deemed to be one long day with only one *בין השמשות*. The *בין השמשות* of the first day determines the status of *מוקצה* on both days of *Rosh Hashanah*.

In other words, with respect to *יום טוב שני של ראש השנה*, an item which is classified as *מוקצה* on the first day of *Rosh Hashanah* is also deemed to be *מוקצה* on the second day of *Rosh Hashanah* insofar as the *בין השמשות*, which introduced the *איסור מוקצה* on the first day, continues to impose that *איסור מוקצה* throughout the second day as well.

(33) With respect to other *Yomim Tovim*, however, the *בין השמשות* of the first day of *Yom Tov* precipitates an *איסור מוקצה* solely in respect of that day, for a twenty-four hour period. At the expiration of that time, in order for the item to continue to be classified as *מוקצה*, it must be so constituted by a different *בין השמשות*. As far as the second *בין השמשות* is concerned, however, each item which is in existence as of that time is considered *מוכן* and can not be classified as *מוקצה* for the second day. Hence, an egg laid on the first day of *Yom Tov* is considered *מוקצה*, and may not be eaten on that day since it had not been prepared as of the *בין השמשות* of the first day of *Yom Tov* (i.e. it lacks *הכנה*).³⁷ However, since the egg is in existence upon the commencement of the second *בין השמשות*, it obtains *הכנה* and can not be classified as *מוקצה* in respect of the second day. It can, therefore, be eaten on the second day. This is the rationale for the rule that *נולדה בזה מותרת בזה*.

Thus, the rule of *נולדה בזה מותרת בזה* is not imposed only when one of the days is certainly *חול* and there is a doubt as to which of the two days are *קודש*. Even if both days are declared as a *Yom Tov* ודאי, as long as they comprise *שתי קדושות*, and each day is endowed with its own *בין השמשות*, the *מוקצה* of the first day will not project itself

³⁷ The *Rishonim* explain that a satisfactory *הכנה* is obtained, theoretically, in this situation as well. However, *Chazal* classified it as *מוקצה* based upon *יום טוב אחר השבת*.

into the second day.

(34) Thus, there is no inconsistency between the *Rambam's* ruling that נולדה בזה מותרת בזה, with respect to יום טוב שני של גליות, and his ruling that תנאי can not be practiced, nowadays, from the first day of *Yom Tov* to יום טוב שני של גליות. The efficacy of תנאי is not impeded by the classification of the two days of *Yom Tov* as either קדושה אחת or שתי קדושות. In order to effect a תנאי, one must first postulate that one of the days is certainly חול. This possibility does not prevail nowadays.

Another set of rules prevails with respect to מוקצה. Both days are קודש. Both days maintain an independent בין השמשות, and one בין השמשות can not project or carry over the מוקצה into the second day.³⁸ The result is that מותרת בזה נולדה בזה.

(35) In conclusion, according to the *Rambam*, nowadays, both days of *Yom Tov* possess שתי קדושות. They each maintain their own בין השמשות. מוקצה is exclusively concerned with בין השמשות, whether the day has one בין השמשות or two בין השמשות. On the other hand, עירוב תבשילין and the other laws of תנאי are concerned with another problem, namely, whether one day is חול and the other is קודש.

(36) As noted, the *Rambam* maintains that יום טוב שני של גליות is observed

³⁸ In the case of יום טוב הסמוכה לשבת, an egg laid on the first day can not be eaten on the second day, because of a different rule, namely, that אין שבת מכין ליום טוב and vice versa. There is no הכנה from *Shabbos* to *Yom Tov*. *Yom Tov* can not prepare anything for use on *Shabbos* (and vice versa). An item which is מוקצה on *Yom Tov* will therefore remain מוקצה throughout the next day of *Shabbos*. Thus, the בין השמשות provides an איסור מוקצה for the next day, since at the time that the second בין השמשות arrives, the item is still deemed מוקצה insofar as it lacks הכנה. This rule is known as הכנה דרבה and is מדאורייתא. This rule, however, was limited to the case when *Shabbos* and *Yom Tov* occur on consecutive days. It could not have been formulated in the case of two consecutive days of *Yom Tov* since מדאורייתא *Yom Tov* is observed for only one day. Accordingly, *Chazal* never formulated a like rule in respect of two consecutive days of *Yom Tov*. Thus, one day of *Yom Tov* can provide הכנה for the next day of *Yom Tov*. When the second בין השמשות arrives, the item is already prepared and not classified as מוקצה. This explanation was advanced by the Rav in conversations with Rabbi Tzvi H. Reichman, *Shlita*. I am indebted to Rabbi Reichman for sharing this conclusion with me. See also עמוד (אדר, תשכ"ד) עמוד 9. [Editor's Note]

מנהג. It is a יום נוסף, *an additional day*, which is observed because of בתורת ודאי. On that additional day we are obligated to practice whatever our אבותיכם בידיכם. Even though אבותינו were motivated by ספק, and we do not share that ספק, nonetheless, the תקנה of הזהרו במנהג stipulates that we must act exactly as they did; we are required to observe יום טוב שני של גליות. Whatever our ancestors observed בתורת ספק, is repeated and observed by us.

(37) To return to the question of whether פסולי ראשון are disqualified for use on יום טוב שני של גליות. As explained (*supra*), the תקנה to observe יום טוב שני של גליות was introduced by הלל השני. He wrote:

שלחו מתם, הזהרו במנהג אבותיכם בידיכם.
They sent a ruling from the City of Tam that the custom of observing two days of Yom Tov must continue to be observed.

He ruled that even though the Jews in the Diaspora were just as informed as the בית דין גדול with respect to קביעת המועדים, they must continue their ancestors' practice.

THE CONSEQUENCES OF תקנת הלל השני VARY DEPENDING ON THE NATURE OF THE ספק IMPOSED.

(38) What consequences did תקנת הלל השני have vis a vis the second day of *Succos*? The first consequence is with respect to איסור במלאכה. In *Eretz Yisroel* the second day of *Yom Tov* is the first day *Chol Hamoed*. However, in the Diaspora, it is אסור במלאכה. Moreover, on the second night, one is obligated to eat a כזית in the *Succah*.³⁹

(39) There are distinctions in treatment depending on whether מנהג אבותיכם is regarded as perpetuating a ספק, or whether מנהג אבותיכם בידיכם is regarded as

³⁹ Similarly, *Matzah, Marror, Arbah Koses* and *Haggadah* are practiced on the second night of *Pesach*

establishing a *יום נוסף*, *an additional day of Yom Tov*, בתורת ודאי.

If the principle of *מנהג אבותיכם בידיכם* perpetuates a *ספק*, it does not do so specifically with regard to *מלאכה* nor with regard to *מצות היום*. The *מנהג* does not, in and of itself, expressly direct one to perform the *Mitzvos* nor abstain from *מלאכה*. Rather, the rule of *מנהג אבותיכם בידיכם* merely means that the same *ספק קיבועא דירחא* which confronted our ancestors has been transmitted to us as well. We are also deemed to be in doubt as to *קיבועא דירחא*. Once we are in doubt as to the precise date of the Holiday, we must automatically observe *יום טוב שני של גליות* in the same manner as we observe *יום טוב ראשון*. The *הלל השני* did not introduce an *איסור מלאכה* on the second day, nor impose an obligation to take a *Lulav*, and so forth. Once the *ספק* was handed down to us, it is the *Torah* which obligates us to engage in the *Mitzvah* of *ולקחתם* and enjoins us from performing *מלאכה* (as is the case with respect to any *ספק דאורייתא*). The *Mitzvah* of *ולקחתם*, thus, emerges automatically on *יום טוב שני של גליות*.

ACCORDING TO THE RAMBAM *ההלל השני* DID NOT INSTITUTE A SEPARATE *תקנה* TO TAKE THE *LULAV* ON *יום טוב שני של גליות*.

(40) The *Rambam* denies the foregoing theory that *יום טוב שני של גליות* remains subject to *ספיקא דיומא*, nowadays. According to the *Rambam*, there are *שני ימים* and *וודאים*. If so, *ההלל השני* was compelled to institute a separate *תקנה* for each and every *Mitzvah* and for each injunction against *מלאכה*. He was compelled to issue a separate *תקנה* for *איסור מלאכה* on *יום טוב שני של גליות* since the *Torah* enjoins the performance of *מלאכה* only on the 15th day of *Tishrei* (or *Nissan*). On the 16th day of *Tishrei*, there is

solely because of that *תקנה*.

For example, with respect to the *Mitzvah* of eating a כזית in the *Succah* on the second night of *Succos*, absent מנהג אבותיכם בידיכם, one who does not wish to eat on the second night of *Succos* need not do so. Thus, the מנהג אבותיכם introduces a new *Mitzvah* (i.e. to eat a כזית in the *Succah* on the second night, as well).

However, with regard to *Lulav*, the מנהג אבותיכם בידיכם is just a duplication of *R' Yochanan Ben Zakkai's* תקנה. One can not assert that מנהג אבותיכם בידיכם is super-imposed above *R' Yochanan Ben Zakkai's* תקנה, as one building block on another. Once there existed a חיוב לקיחה (i.e. a *Kiyum* of ושמתם), הלל השני could not introduce another obligation even as a *Kiyum* of ולקחתם, since essentially both *Kiyumim* comprise the identical *Mitzvah*.

(43) It is for this reason that the Rav concluded that, according to the *Rambam*, the *Kiyum* of ולקחתם does not apply at all on יום טוב שני של גליות⁴². The תקנה of מנהג אבותיכם בידיכם could not impose a new obligation for them to practice the *Mitzvah* of ושמתם, insofar as they were already mandated to practice the *Mitzvah* of ולקחתם.

(44) The Rav added that this ruling of the *Rambam* is predicated on the *Rambam's* ruling that, nowadays, יום טוב שני של גליות is imposed בתורת ודאי, *definitively*, as an additional *Yom Tov* (יום נוסף). He explained that had the *Rambam* ruled that nowadays there is also a ספיקא דיומא, and the מנהג אבותיכם בידיכם imposes, not the addition of another day (יום נוסף), but a genuine ספיקא דיומא, then it would be reasonable for him to maintain that a *Kiyum* of ולקחתם בתורת ספק is obtained despite the prior תקנה of *R' Yochanan Ben Zakkai*. If the ספיקא דיומא dictates that יום טוב שני של

the sole purpose that פסולי ראשון be disqualified, is too far fetched.

⁴² This is unlike the explanation of the גר"מ that the *Kiyum* of ולקחתם applies on יום טוב שני של גליות

no איסור מלאכה. Similarly, the *Torah* writes that one is obligated to eat *Matzah* on the 15th day of *Nissan*. On the 16th day of *Nissan*, there is no obligation to eat *Matzah*. Thus, הלל השני was compelled to issue a separate תקנה for the *Mitzvah* of *Matzah*, and so forth.

(41) The situation is markedly different with respect to the *Mitzvah* of *Lulav*. There was no need for הלל השני to issue a new תקנה in order to obligate the Jews in the Diaspora to take *Lulav* on the second day of *Succos*. They were already obligated to take *Lulav* on the second day because of the תקנה of *R' Yochanan Ben Zakkai*, which preceded the תקנה of הלל השני by several hundred years. *R' Yochanan Ben Zakkai* had introduced the תקנה to take the *Lulav* during the entire Holiday of *Succos* based on the *Kiyum* of ושמחתם, in the year immediately following the destruction of the *Bais Hamikdash* (circa 70 C.E.).⁴⁰ The letter of שלחו מתם was sent by הלל השני at the end of the Fourth Century (C.E.). Thus, there was no need for הלל השני to institute a new תקנה obligating the Jews in the Diaspora to take the *Lulav* as a *Kiyum* of ולקחתם, and repeat exactly their ancestors' practice when confronted with a genuine ספק. There was already an ancient תקנה in place obligating the Jews in the Diaspora to perform the *Mitzvah* of *Lulav* on the second day (based on the *Kiyum* of ושמחתם.)⁴¹

(42) In other words, מנהג אבותיכם בידיכם can be introduced only when there is a vacuum. On יום טוב שני של גליות of *Succos*, there was no vacuum. *R' Yochanan Ben Zakkai's* תקנה was already extant.

⁴⁰ As noted, the *Kiyum* realized by this תקנה is that of ושמחתם.

⁴¹ For example, it would be ludicrous for a בית דין to impose a תקנה to wear *Tefillin* with the result that one would wear *Tefillin* nowadays for two reasons: first, because it is a *Mitzvah* (מדאורייתא), and second, because מנהג אבותיכם בידיכם. If something is already obligatory, there is no need for duplication. To say that הלל השני insisted that one should take the *Lulav* on the second day ולקחתם, as a ספק ראשון, for

be treated as if it were the first day of *Succos*, a *Kiyum* of ולקחתם would be automatically precipitated (albeit ספק בתורת ספק). Conversely, since יום טוב שני של גליות may in fact be the second day of *Succos*, a *Kiyum* of ושמחתם is also obtained. Thus, one would be obligated to take the *Lulav* on יום טוב שני של גליות, to realize a *Kiyum* of both ולקחתם, as well as of ושמחתם.

(45) However, since we have established that the *Rambam* maintains that the ספק was not perpetuated, consequently, separate תקנות were required, firstly, for איסור מלאכה, and, secondly, for *Lulav*. Since the Jews were already obligated to take *Lulav* on the 16th day of *Tishrei*, because of the prior תקנה of R' *Yochanan Ben Zakkai* (i.e. which is based on the *Kiyum* of ושמחתם), there was no need for הלל השני to introduce a new תקנה for them to take the *Lulav*, merely to impose a *Kiyum* of ולקחתם. The *Rambam*, therefore, equates (יום טוב שני של גליות) with שאר הימים, and permits the use of פסולי ראשון. יום טוב שני של גליות on ראשון. The יום טוב שני של גליות is judged only as שאר הימים. The יום טוב שני של גליות on נטילת לולב has nothing in common with that practiced on יום ראשון. The *Lulav* on יום ראשון represents a *Kiyum* of ולקחתם; the *Lulav* taken on יום טוב שני של גליות represents exclusively a *Kiyum* of ושמחתם (engendered by reason of the תקנת ריב"ז). Thus פסולי ראשון are not only acceptable בדיעבד, as a matter of last resort; there is no need to utilize a כשר, insofar as the *Mitzvah* of ולקחתם is not realized on that day. The only *Mitzvah* to take *Lulav* on יום טוב שני של גליות is that derived from ושמחתם, resulting from the תקנה of R' *Yochanan Ben Zakkai*, and the *Kiyum* of ושמחתם is discharged with the use of פסולי ראשון.

Moreover, since the ספיקא דיומא of מנהג אבותיכם has no application to the

(בתורת ספק ספק).

Mitzvah of Lulav, *Lulav* is not taken on *Shemini Atzeres*. If *Lulav* is not subject to *דיומא* at the commencement of *Succos* (i.e. on *טוב שני של גליות*), it can not be subject to *דיומא* at the conclusion of *Succos* (i.e. *Shemini Atzeres*).⁴³

(46) The Rav noted that the other *Rishonim* maintain that as far as the *Kiyum* of *ולקחתם* is concerned, the *ספק* is perpetuated. However, they concede that at the conclusion of *Succos* (i.e. on *Shemini Atzeres*), the *ספק* is not operative, and *Lulav* is not taken. This view is problematic. It is difficult to understand how *Lulav* can be subject to *דיומא* at the commencement of *Succos*, but not at the conclusion of *Succos*.

(47) The *Ritva* quotes two opinions which also debate this issue. The *Ritva* writes:⁴⁴

וכל שאמרנו שפסול ביום הראשון בלבד דעת גדולי רבותינו ז"ל שהוא נוהג בזמן הזה בי ימים. כשם שנוהגים בהם קדושה בשאר עניינים נוהגים בהם חומר במצות הנוהגת בהם. ואע"ג דהשתא ידעין בקביעה דירחא ויום הראשון ודאי, כיון שאנו עושים יום שני בתקנת חכמים משום מנהג אבותינו, שהיו עושים אותה בספק ככל חומרי ראשון, הרי אנו כאילו אין אנו יודעים בקביעה דירחא בכל עניינינו.
All defects which are disqualified for use on the first day, are, in the opinion of my Rabbis, also disqualified for use on the second day. Just as the second day is observed as a Holiday, so too, all of the Mitzvos and their concomitant prescriptions apply on that day. Though we are not confronted with the same uncertainty regarding the establishment of the Holiday, nonetheless, we have been instructed to observe the second day of Yom Tov in the same fashion as our ancestors, and our deemed to be subject to their uncertainties as well.

According to the *Ritva*, the *ספק* is perpetuated. He emphasizes again that *מנהג אבותיכם* does not serve specifically to enjoin *מלאכה* and require the performance of *Mitzvos*. Rather, the *דיומא* of our ancestors has been perpetuated and transmitted

⁴³ This is also why a *שהחיינו* is not recited when taking the *Lulav* on *טוב שני*. The *Bracha* of *שהחיינו* is pronounced only because of *דיומא*, and this does not apply to the *Mitzvah* of *Lulav*.

⁴⁴ See *חידושי הריטב"א* למס' סוכה דף כ"ט ע"ב.

to us. If this is the case, פסולי ראשון are disqualified on שני של גליות because it is treated as if it were the first day of *Succos*.⁴⁵

(48) The *Ritva* then quotes another opinion:

אבל מורי הרב רבינו שלמה אמר לי שדעתו נוטה שאין אלו שהם פסולים ביום ראשון בלבד נוהגים ביום שני בזמן הזה דכיון דידעינן בקביעת דירחא ואין לנו בקדושת היום השני אלא להזהר במנהג אבותינו אין זה אלא להחמיר בקדושתו, אבל להחמיר במצוות הנוהגות בו ביום ראשון אין לנו.

Rabbeinu Shlomo informed me that he believes that the items disqualified for use on the first day, may in fact be used on the second day. He maintains that, though we have been instructed to observe an additional day of Yom Tov, with regard to cessation from work, nonetheless, we were not instructed to also adapt all of the strict details relating to the performance of the Mitzvos.

Rabbeinu Shlomo is in full agreement with the *Rambam*. The הלל השני של בית דין obligated us to perform the *Mitzvos* and to abstain from מלאכה on שני של גליות. They did not, however, institute a *Kiyum* of ולקחתם on that date.

(49) In conclusion, the controversy between *Rabbeinu Shlomo* and the *Rambam*, on one hand, and the *Ritva*, on the other hand, depends upon whether or not the מנהג אבותיכם בדיכום has perpetuated the ספק. If it has perpetuated the ספק, then the observance, the שמירת יום טוב and the קיום המצוות, are just consequences, just

⁴⁵ In קובץ חידושי תורה להגרייך עמוד קניג the Rav pointed out that, according to the *Ritva*, one who can only find a פסול לולב can not take that *Lulav* on שני של גליות, even nowadays. He explained that the *Ritva* maintains that since the ספיקא דיומא is perpetuated, and שני של גליות is observed out of concern that it may be ראשון, such ספיקא דיומא automatically precipitates the *Kiyum* of ולקחתם. The *Kiyum* of ולקחתם prevents the realization of the *Kiyum* of ושמחתם. Just as on ראשון, a *Kiyum* of ושמחתם is not realized, so too, it can not be realized on שני של גליות. In the lexicon of the Rav: יו"ט שני הוא חפצא של ספק ראשון שאין תקנת ריב"ז חלה עליו.

In other words, the תקנה of *R' Yochanan Ben Zakkai* was instituted only when a *Kiyum* of ולקחתם can not be obtained (even בתורת ספק). Thus, one who takes a פסול on ראשון, does not obtain even a *Kiyum* of ושמחתם. The *Kiyum* of ושמחתם applies only on such days that the *Kiyum* of ולקחתם does not apply. It was, therefore, not instituted in respect of ראשון and in respect of שני של גליות (which is treated as ראשון).

The *Ritva's* view is subject to the difficulty expressed in Paragraph 46 (supra).

conclusions, and nothing else. However, if the ספק was not perpetuated, there is merely a separate תקנה that we put on a repeat performance on the second day, and separate תקנות were instituted with respect to each of איסור מלאכה and קיום המצוות. However, a תקנה was not imposed with respect to taking the *Lulav* on יום טוב שני של גליות, since יום טוב שני של גליות was already included in the prior תקנה קדומה of R' Yochanan Ben Zakkai.

THE KEDUSHAS HAYOM OF יום טוב שני של גליות IS SUSPENDED WITH RESPECT TO THE MITZVAH OF קבורת מתים.

(50) The גר"מ once told the Rav that he became a Rabbi of a certain town at a very young age. Soon after, the דיין of the town passed away on *Erev Yom Tov*. The people of the town were concerned that if they would bury the deceased on *Erev Yom Tov*, many of the townsmen would be unable to attend the funeral. They asked the גר"מ if they were permitted to postpone the funeral until יום טוב שני של גליות. The גר"מ ruled that the funeral may be deferred. The other *Rabbanim* of the city opposed him vigorously. The גר"מ answered that the *Gemara* which rules that a corpse may be buried by Jews on יום טוב שני של גליות, did not merely provide that the *Mitzvah* of burying the dead overrides the *Kedushas Hayom* of יום טוב שני (i.e. it is not a דוחה). If that would be the case, then the rule of כל שאפשר לקיים שניהם אינו דוחה (i.e. *one Mitzvah can not override another if both may be accommodated*) would prevail in this situation. They would not have been permitted to postpone the funeral until the second day since conducting the funeral on *Erev Yom Tov* would avoid the conflict between the two. Rather, the *Gemara*⁴⁶ says:

⁴⁶ מסכת ביצה דף ו' ע"א

אמר רבא מת ביום טוב שני יתעסקו בו ישראל. מאי טעמא? יום טוב שני לגבי מת כחול שוינהו רבנן.

Rava ruled that a corpse may be buried on the second day of Yom Tov by Jews, since, as far as the funeral is concerned, the second day of Yom Tov is regarded as an ordinary weekday.

The גר"מ explained that this does not invoke the principle of דחייה. Rather, there is no קדושת היום as far as a burial is concerned. Thus, the *Gemara*⁴⁷ rules that not only is the burial permitted, but even cutting branches in order to decorate the coffin is permitted. The rationale is that יום טוב שני is considered as חול, in that respect. The גר"מ, therefore, concluded that if יום טוב שני is deemed to be חול, the funeral of the זיין may be postponed until יום טוב שני.

The גר"מ sent a telegram to his father, the גר"ח, to ask his opinion. The גר"ח didn't answer. The גר"מ then wrote him a long letter. The גר"ח didn't answer the letter either. When the גר"מ later met the גר"ח, the גר"ח told him that his *Halachic* ruling was indeed correct, but that he should not delude himself into believing that he had thoroughly thought out the problem and all of its angles.⁴⁸

THE TWO IMPERATIVES TO REMEMBER THE GLORY OF THE BAIS HAMIKDASH, AS WELL AS ITS DESTRUCTION.

(51) *R' Yochanan Ben Zakkai's* תקנה was instituted זכר למקדש.⁴⁹ The *Gemara*

asks:

ומנלן דעבדינן זכר למקדש?

Why did he formulate Halachos to ensure that we remember the Bais Hamikdash?

The *Gemara* quotes a *Passuk* in ירמיהו:⁵⁰

⁴⁷ Ibid.

⁴⁸ The Rav did not explain, in this *Shiur*, the difficulties with the גר"מ's ruling.

⁴⁹ See מסכת ראש השנה דף ל' ע"א.

⁵⁰ See ירמיהו: ל', י"ז.

ציון היא דורש אין לה.
ציון was abandoned by everyone. Noone is conscious of ציון

It infers:

מכלל דבעי דרישה.
Apparently, it would be proper to remember ציון

Why does the *Gemara* have to reach out so far in order to establish the principle that it is necessary to remember the *Bais Hamikdash*? Why didn't they merely cite the *Passuk*:⁵¹

אם אשכחך ירושלים תשכח ימיני. תדבק לשוני לחקי אם לא אזכרכי,
אם לא אעלה את ירושלים על ראש שמחתי.
*If I forget thee Jerusalem, my right hand should be forgotten. My
tongue should cling to my cheeks if I don't remember thee, and
not ascend to Jerusalem, the crown of my joy.*

That *Passuk* in *Tehillim* expresses the idea in more convincing and conclusive terms than the *Passuk* in ירמיהו. The *Passuk* in ירמיהו does not impose a definitive obligation to remember ציון. The *Gemara* merely infers from the prophet's complaints that ציון is considered as abandoned, completely hopeless, and noone is actually concerned with ציון, that one should display concern for ציון (i.e. מכלל לאו אתה שומע הן). On the other hand, the *Passuk* in *Tehillim* is a clear cut statement that the Jews have taken it upon themselves, by oath, not to forget ציון.

(52) Interestingly, the *Gemara*⁵² derives from the *Passuk*:

אם לא אעלה את ירושלים על ראש שמחתי,

a long series of *Halachos* designed to remind us of the *Bais Hamikdash*. For example, one should leave one square אמה unpainted above the doorway; a חתן must place ashes on his head under the חופה, and so forth and so on. Yet, when the *Gemara* discusses *Lulav*, it does not utilize this *Passuk*. Why not? Instead, the *Gemara* cites a *Passuk* whose

⁵¹ תהילים: קל"ז, ה' ⁵¹

semantics confirms the thought that ציון requires concern on our part and remembrance, but is not as explicit as the other *Passuk*.

(53) There are two types of זכירה as far as ציון is concerned. One זכירה is to remember the חורבן בית המקדש, the disaster, the catastrophe, the loss of the *Bais Hamikdash*, the land, our freedom, our people, and the great national disaster which occurred on *Tisha B'av*. This remembrance is a source of the emotional state of אבילות, of grief, sadness, and depression.

There is another component of the *Mitzvah* of זכירה with respect to ציון, namely, to remember ציון על בנינה, the glory of the past, the majestic grandeur of the *Bais Hamikdash*. This latter remembrance, this concern, engenders, not sadness, but pride and joy.⁵³

וּלְקַחְתֶּם וּשְׂמַחְתֶּם DIFFERS FROM THE KIYUM OF וּשְׂמַחְתֶּם

(54) When the *Torah* formulated the *Mitzvah* of taking לולב במקדש it employed the term וּשְׂמַחְתֶּם לפני ה' ⁵⁴ *You shall rejoice before the Lord*. Basically, the *Mitzvah* of וּשְׂמַחְתֶּם differs from the *Mitzvah* of וּלְקַחְתֶּם (which imposes the *Mitzvah* to take *Lulav* on the first day of *Succos* throughout the Diaspora and in the balance of *Eretz Yisroel*), not only as to the time limit (i.e. in that וּלְקַחְתֶּם is confined to one day, while וּשְׂמַחְתֶּם extends for seven days). It is more than that. The quality, the conceptual substance of the *Mitzvah* of וּשְׂמַחְתֶּם differs from the *Mitzvah* of וּלְקַחְתֶּם.

(55) The *Mitzvah* of וּלְקַחְתֶּם is a mechanical *Mitzvah*, a raw performance. One

⁵² See בבא בתרא דף סי ע"ב.

⁵³ In other *Shiurim*, the Rav based this dual obligation on the *Passuk*: כל זכרה ירושלים ימי עניה ומרודה, כל מחמדיה שהיו לה מימי קדם (איכה: א, ז') (ימי עניה), as well as the good (כל מחמדיה) of the *Bais Hamikdash*.

⁵⁴ See ויקרא: כ"ג, מ'.

must pick up a *Lulav*. The *Gemara* says:⁵⁵

מדאגבהיה נפק ביה.

Once one picks up the Lulav, he has fulfilled the Mitzvah.

The *Mitzvah* of ולקחתם is achieved through exercising one's muscles, through physical motion, the movements of one's fingers and hands. The *Kiyum* of ולקחתם is a קיום ביז, *its fulfillment is obtained through physical performance*. On the other hand, with respect to the *Mitzvah* of ושמתם, though the מעשה מצוה, the technique, the medium of fulfillment, is physical and mechanical, which is exhausted by picking up the *Lulav* and holding it; however, the *Kiyum Mitzvah* is realized בלב (i.e. *by attaining a state of joy*).

IN CERTAIN *MITZVOS*, THE מעשה המצוה IS COMMENSURATE WITH THE קיום המצוה.

(56) There is a distinction between *Mitzvos* in which the *Kiyum* is realized through the מעשה itself, where the מעשה מצוה and the *Kiyum Mitzvah* are commensurate, and other *Mitzvos* in which the מעשה מצוה and the *Kiyum Mitzvah* are incongruous, and abide in different dimensions.

Take, for example, the *Mitzvah* of *Krias Shema*. The מעשה מצוה is reading, recital, speech. However, the קיום מצוה is קבלת עול מלכות שמים. Similarly, by *Tefillah*, the מעשה מצוה is recital, speech. The קיום מצוה is עבודה שבלב, to surrender to the *Ribbono Shel Olem*. Another example is אבילות. There is a practical system of how אבילות should be observed. The *Rambam*⁵⁶ lists ten types of אבילות (i.e. not washing, not wearing shoes, etc.). The מעשה מצוה of אבילות is the physical observance of these items. But, the *Kiyum Mitzvah*, the ideal, the objective of אבילות, is בלב, the

⁵⁵ מסכת סוכה דף מ"ב ע"א.

⁵⁶ פי"ה מהלכות אבל ה"א.

experience of grief. For example, if during שבעה, the אבל takes off his shoes, does not wash, does not go to his store, and so forth, but puts on his television and listens to a concert, his observance does not accomplish anything, since the purpose, the goal, of the observance is the קיום בלב, experiencing grief.

Thus, the *Gemara* says:⁵⁷

אבל אינו נוהג אבילותו ברגל... אתי עשה דרבים ודחי עשה דיחיד.
A mourner may not express his grief on Yom Tov, since the Mitzvah of rejoicing on Yom Tov is a communal obligation.

Why is this so? There is no specific *Halachah* which mandates that one must wear shoes on *Yom Tov*? There is no *Halachah* that one must walk only with leather shoes on *Yom Tov*, sit on a chair, and wash. Where, then, did *Chazal* find the conflict, the discrepancy, between שמחת יום טוב and אבילות as far as the external media of אבילות is concerned? Similarly, an אבל is permitted to eat meat and drink as much wine as he wants.⁵⁸ There is no prohibition, no injunction, against his drinking wine. Where then did *Chazal* find the discrepancy, the incommensurability, the conflict, between the מעשה מצוה of אבילות, the media of practicing mourning, and that of the *Mitzvah* of שמחת יום טוב?

(57) The answer is that the conflict is rooted in the *Kiyum Mitzvah*, the objective, of both *Yom Tov* and אבילות. On *Yom Tov*, there is a *Kiyum Mitzvah* of שמחה, the joyful experience. With respect to אבילות, on the other hand, there is a *Kiyum Mitzvah* of grief and mourning. The two *Kiyumim* of joy and morbidity are mutually exclusive.

(58) The מצות לולב במקדש (i.e. the *Kiyum* of ושמתם) belongs to that

⁵⁷ מסכת מועד קטן דף י"ד ע"ב

⁵⁸ On the contrary, in the days of *Chazal*, they would offer an אבל ten cups of wine.

dimension. The מעשה מצוה and the *Kiyum Mitzvah* are two separate entities which can not be merged. The מעשה מצוה is exhausted in the mere taking of the *Lulav* (i.e. the מעשה לקיחה); the *Kiyum Mitzvah* is realized by ושמחתם. Had the *Torah* identified the מצות לולב במקדש with that of גבולין, the *Torah* would have written:

ולקחתם לכם ביום הראשון, ולקחתם שבעת ימים לפני ה' אלוקיכם.

However, the *Torah* has changed the formula. When the *Torah* decrees the *Mitzvah* of נטילת לולב on the first day, the *Torah* employs the term of ולקחתם. When the *Torah* speaks of the *Mitzvah* of נטילת לולב in the מקדש, it employs a different term, namely, ושמחתם. In the latter, the מעשה מצוה and the *Kiyum Mitzvah* lie in two separate dimensions. The מעשה מצוה exhausts itself in the external, mechanical act of taking a *Lulav*. However, the *Kiyum Mitzvah* is לפני ה', the inner experience of joy while standing before the *Ribbono Shel Olem*. One must not merely be happy. Joy is not enough. One must be joyful while conscious of the presence of the Almighty. It is a peculiar combination: Joy in experiencing the presence of the Almighty.

THE **תקנה** OF R' YOCHANAN BEN ZAKKAI WAS THAT THE JEW MUST EXPERIENCE THE SENSATION OF BEING לפני ה' WHEREVER HE RESIDES.

(59) R' Yochanan Ben Zakkai instituted that *Lulav* be taken for seven days, זכר למקדש. He did not wish to arouse in us a feeling of sadness and grief. R' Yochanan Ben Zakkai desired that the joy which the Jew experienced in the *Bais Hamikdash*, the inspiration which he obtained,⁵⁹ and the great experience of לפני ה', should be continued even after the destruction of the *Bais Hamikdash*. Even after everything was taken away from us, we must perpetuate that experience throughout the generations,

⁵⁹ Chazal say that this inspiration was so overwhelming that יונה הנביא walked into the *Bais Hamikdash*, became inspired and began to prophesize.

regardless of place and regardless of time. Nothing can deprive a Jew of the experience of עמידה לפני ה'.

As long as the *Bais Hamikdash* existed, the Jew could meet the *Ribbono Shel Olem* in the *Bais Hamikdash*. But, after the *Bais Hamikdash* was destroyed, *Chazal* were faced with two alternatives. One alternative was to declare that the Jew can no longer experience לפני ה', since there is no *Bais Hamikdash*. This would undermine the very existence of the Jewish People. How can the Jewish People continue to exist and perpetuate their spiritual identity if they lack the basic experience of לפני ה', which is the central experience of *Yahadus*? שויתי ה' לנגדי תמיד. The first alternative was rejected. They accepted a second alternative which is just the reverse of the first alternative. In the absence of a *Bais Hamikdash*, Jews must sanctify the whole world. Wherever a Jew will abide, wherever a Jew will live, wherever a Jew will stand, he will find the *Ribbono Shel Olem* there. The *Bais Hamikdash* has been extended ad infinitum.

(60) This is the second זכירה. This is not the זכירה of חורבן represented by a חתן taking ashes or leaving a square אמה unpainted. Rather, this is the great זכירה of מקדש על מכונו and the ירושלים בבנינה. Every Jew has access to the *Ribbono Shel Olem*.

How does one realize that זכירה? How does one utilize that זכירה? Not just by remembering but by experiencing the *Ribbono Shel Olem* everywhere, in every place, all over the world. The *Bais Hamikdash* expands universally to cover the entire globe, the entire world. Wherever a Jew finds himself, wherever a Jew is exiled, מקצה השמים, *from one end of the globe to the other*, he can still find the *Bais Hamikdash* and stand לפני ה'.

This was the תקנה of *R' Yochanan Ben Zakkai*. There is a new זכירה, a perpetuation of the *Bais Hamikdash* forever, an expansion of the *Bais Hamikdash*.

על ספק
שקול ישיב
לפני ה' - זכירה
קצת איתו
ספק (זכירה)
פירוש (אמת)
כבודו (אמת)

Basically, it is *Kedushah* Imperialism. Once upon a time we were satisfied with experiencing לפני ה' on a certain mount, a small area. Once the *Bais Hamikdash* was destroyed, consumed by the flames, we became imperialists. *Kedushah* has the quality of התפשטות, *expansion*, and so the *Kedushah* began to expand and conquer the entire world. This is the זכירה that R' Yochanan Ben Zakkai introduced.

(61) The *Gemara*, thus, asks:

ומנלן דעבדינן זכר למקדש?

They couldn't respond by citing the *Passuk* ירושלים אם אשכחך. That depicts a זכירה of remembering disaster, of losing our most beautiful and most precious treasure. Rather, they answered ציון הוא דורש אין לה. This is not זכירה; it is דרישה. דרישה is different than זכירה. זכירה means seeking, searching. If the *Ribbono Shel Olem* is not available in *Yerushalayim*, on the הר הבית, we must search for Him elsewhere. In the days of the *Bais Hamikdash*, a Jew did not have to search for G-d. He came into the עזרה and was suddenly inspired. He found the *Ribbono Shel Olem* immediately, whether he was sensitive or insensitive, and whether or not he understood the beauty of the *Bais Hamikdash* and its glory and sanctity. Even the farmer and the shepherd from the *Galil* or the *Negev* could recognize the beauty of the *Bais Hamikdash*, could see something exalted, something spiritual, something great. However, to find the *Ribbono Shel Olem* in גלות, in *exile*, is more difficult.

In *Tefillah*, we recite the *Passuk* of:

שלוש פעמים בשנה יראה כל זכורך את פני האדון.

One would come into the *Bais Hamikdash* and find himself in the environment of זקנים וקנים, where miracles occurred daily. In such an environment, experiencing the

presence of G-d is a relatively simple matter. There was no need to be a great person, with a sensitive mind and a very perceptive heart, in order to feel the presence of the *Ribbono Shel Olem*. However, in גלות, experiencing the presence of the Almighty, is very difficult. ציון הוא דורש אין לה. One has to search for the *Ribbono Shel Olem* in the same manner in which a person searches for a lost object. We have lost Him, and we now have to recover Him.

(62) דורש אין לה. There is no one who is ready to search, seek and make an effort to find the *Ribbono Shel Olem*. That is what R' Yochanan Ben Zakkai introduced with his תקנה. It is not just a *Mitzvah* of shaking the *Lulav*. More than that is implied in the *Mitzvah*. It is simply expanding the *Kedushah* and finding the *Ribbono Shel Olem* in every environment, in every society, in every generation, at all times and everywhere.

תושלבייע
תהא נשמטו צרורה בצרור החיים.

הלכה א

ששת ימים האלו שאסרן הכתוב בעשיית מלאכה שהן ראשון ושביעי של פסח וראשון ושמיני של חג הסוכות וביום חג השבועות ובאחד לאחד ששביעי הן הנקראין ימים טובים, ושבת כולן שוה שהן אסורין בכל מלאכת עבודה חוץ ממלאכה שהיא לצורך אכילה שנאמר +שמות י"ב+ אך אשר יאכל לכל נפשו וגו'.

הלכה ב

כל השבת ממלאכת עבודה באחד מהן הרי קיים מצות עשה שהרי נאמר בהן +ויקרא כ"ג+ שבתון כלומר שבות, וכל העושה באחד מהן מלאכה שאינה לצורך אכילה כגון שבנה או הרס או ארג וכיוצא באלו הרי בטל מצות עשה ועבר על לא תעשה, שנאמר +ויקרא כ"ג+ כל מלאכת עבודה לא תעשו, +שמות כ"ג+ כל מלאכה לא יעשה בהם, ואם עשה בעדים והתראה לוקה מן התורה.

הלכה ג

העושה אבות מלאכות הרבה ביום טוב בהתראה אחת כגון שזרע ובנה וסתר וארג בהתראה אחת אינו לוקה אלא אחת, חילוק מלאכות לשבת ואין חילוק מלאכות ליום טוב.

הלכה ד

כל מלאכה שחייבין עליה בשבת אם עשה אותה ביום טוב שלא לצורך אכילה לוקה חוץ מן ההוצאה מרשות לרשות וההבערה שמתוך שהותרה הוצאה ביום טוב לצורך אכילה הותרה שלא לצורך אכילה, לפיכך מותר ביום טוב להוציא קטן או ספר תורה או מפתח וכיוצא באלו מרשות לרשות. וכן מותר להבעיר אע"פ שאינו לצורך אכילה, ושאר מלאכות כל שיש בו צורך אכילה מותר כגון שחיטה ואפייה ולישה וכיוצא בהן, וכל שאין בהן צורך אכילה אסור כגון כתיבה ואריגה ובנין וכיוצא בהן. +השגת הראב"ד/ וכן מותר להבעיר אפי' שאינו צורך אכילה. א"א זהו לחם חמין לרגליו, ולחד ליק נר של אבטלה כגון המדליק נר לכבוד בירושלמי (ביצה פ"ח סה"ב) אמרו לא תאסרו ולא תשרי+.

הלכה ה

כל מלאכה שאפשר לה ליעשות מערב יום טוב ולא יהיה בה הפסד ולא חסרון אם נעשית מבערב אסרו חכמים לעשות אותה ביום טוב אף על פי שהיא לצורך אכילה, ולמה אסרו דבר זה גזירה שמא יניח אדם מלאכות שאפשר לעשותן מערב יום טוב ונמצא יום טוב כולו הולך בעשיית אותן מלאכות וימנע משמחת יום טוב ולא יהיה לו פנאי לאכול ולשתות. +השגת הראב"ד/ וימנע משמחת יו"ט ולא יהיה לו פנאי לאכול ולשתות. א"א אין לזה טעם אלא מפני שהוא מכין מלאכתו ביו"ט ומרבה הטורח ליום קדש+.

הלכה ו

ומזה הטעם עצמו לא אסרו ההוצאה ביום טוב ואע"פ שכל ההוצאה היא מלאכה שאפשר לעשותה מערב יום טוב ולמה לא אסרוה כדי להרבות בשמחת יום טוב ויוליד ויביא כל מה שירצה וישלים חפציו ולא יהיה כמי שידין אסורות, אבל שאר מלאכות שאפשר לעשותן מערב יום טוב הואיל ויש בהן עסק אין עושין אותן ביום טוב. +השגת הראב"ד/ ולמה לא אסרוה כדי להרבות בשמחת יו"ט. א"א לא אמרו זה אלא כנגד משלוח מנות ומשלוח כלים איש לרעהו שהן מותרין ביו"ט וכל אלה אינן צריכין לזה הטעם אלא מפני שהוא כבוד היום יותר מאמש+.

הלכה ז

כיצד אין קוצרין ולא דשין ולא זורין ולא בוררין ולא טוחנין את החטים ולא מרקדין ביום טוב שכל אלו וכיוצא בהם אפשר לעשותן מערב יום טוב ואין בכך הפסד ולא חסרון.

הלכה ח

אבל לשין ואופין ושוחטין ומבשלין ביום טוב, שאם עשה אלו מבערב יש בכך הפסד או חסרון טעם, שאין לחם חם או תבשיל שבשל היום כלחם שנאפה מאמש וכתבשיל שנתבשל מאמש, ולא בשר שנשחט היום כבשר שנשחט מאמש, וכן כל כיוצא באלו, וכן מכשירי אוכל נפש שיש בהן חסרון אם נעשו מבערב עושין אותן ביום טוב, כגון שחיקת תבלין וכיוצא בהן. +השגת הראב"ד/ ולא בשר שנשחט היום כבשר שנשחט מאמש וכן כל כיוצא בזה. א"א בכל אלה אין טעם למה אין תולשין ירק ואין מלקטין פירות מן האילן ביו"ט שהרי בני יומן יפין יותר, ובירושלמי (פ"א ה"י) סומך אותו על אך אשר

הלכה ט

אין אופיין ומבשלין ביום טוב מה שיאכל בחול, ולא הותרה מלאכה שהיא לצורך אכילה אלא כדי ליהנות בה ביום טוב, עשה כדי לאכול ביום טוב והותר מותר לאכול המותר בחול.

הלכה י

ממלאה אשה קדרה בשר אף על פי שאינה צריכה אלא לחתיכה אחת, וממלא נחתום חבית של מים אע"פ שאינו צריך אלא לקיתון אחד, וממלאה אשה תנור פת אף על פי שאינה צריכה אלא לכבר אחד, שבזמן שהפת מרובה בתנור היא נאפית יפה, ומולח אדם כמה חתיכות בשר בבת אחת אף על פי שאינו צריך אלא לחתיכה אחת, וכן כל כיוצא בזה.

הלכה יא

המבשל או האופה ביום טוב כדי לאכול בו ביום או שזימן אורחים ולא באו ונשאר התבשיל והפת חרי זה מותר לאכול למחר בין בחול בין בשבת, ובלבד שלא יערים, ואם הערים חרי זה אסור ואפילו בשבת שאחר יום טוב מפני שחמירו במערים יתר מן המזיד.

הלכה יב

מי שהיתה לו בהמה מסוכנת לא ישחוט אותה ביום טוב אלא א"כ יודע שיכול לאכול ממנה כזית צלי מבעוד יום, כדי שלא ישחוט ביום טוב מה שיאכל בחול וכן כל כיוצא בזה.

הלכה יג

אין אופיין ומבשלין ביום טוב כדי להאכיל גוים או כלבים שנאמר + שמות י"ב+ הוא לבדו יעשה לכם לכם ולא לגוים לכם ולא לכלבים, לפיכך מזמנין את הגוי בשבת ואין מזמנין אותו ביום טוב גזירה שמא ירבה בשבילך, אבל אם בא הגוי מאליו אוכל עמהן מה שהן אוכלין שכבר הכינוהו.

הלכה יד

בהמה שחציה של גוי וחציה של ישראל מותר לשחטה ביום טוב שאי אפשר לאכול ממנה כזית בשר בלא שחיטה, אבל עיסה שחציה לגוי וחציה לישראל אסור לאפות אותה מפני שיכול לחלק הבצק, בני החיל שנתנו קמח לישראל לעשות להם פת ביום טוב, אם כשנותנין פת ממנה לתינוק אין מקפידין מותר לאפותו להן ביום טוב שכל פת ופת ראויה לתינוק, עיסת הכלבים בזמן שהרועים אוכלין ממנה נאפית ביום טוב. +השנת הראב"ד/ שכל פת ופת ראויה לתינוק. א"א יפה אמר אע"פ שלא הסכים לדעת הרב ז"ל (לדף כא).+

הלכה טו

המבשל ביום טוב לגוים או לבהמה או להניח לחול אינו לוקה שאילו באו לו אורחים היה אותו תבשיל ראוי להן, עשה לנפשו והותר מותר להאכיל ממנו לגוים ולבהמה.

הלכה טז

רחיצה וסיכה חרי הן בכלל אכילה ושתייה ועושין אותן ביום טוב שנאמר + שמות י"ב+ אך אשר יאכל לכל נפש לכל שצריך הגוף, לפיכך מחמין חמין ביום טוב ורוחץ בהן פניו ידי ורגליו, אבל כל גופו אסור משום גזירת מרחץ, וחמין שהוחמו מערב יום טוב רוחץ בהן כל גופו ביום טוב שלא גזרו על דבר זה אלא בשבת בלבד.

הלכה יז

כל שאסור בשבת בין משום שהוא דומה למלאכה או מביא לידי מלאכה בין שהוא משום שבות חרי זה אסור ביום טוב אלא אם כן היה בו צורך אכילה וכיוצא בה, או דברים שהם מותרים ביום טוב כמו שיתבאר בהלכות אלו, וכל שאסור לטלטלו בשבת אסור לטלטלו ביום טוב אלא לצורך אכילה וכיוצא בה, וכל שמותר בשבת מותר ביום טוב, ויש ביום טוב מה שאין בשבת איסור מוקצה שהמוקצה אסור ביום טוב ומותר בשבת מפני שיום טוב קל משבת אסרו בו המוקצה שמא יבואו לזלזל בו. +השנת הראב"ד/ מפני שיו"ט קל משבת אסרו בו המוקצה שמא יבואו לזלזל בו. א"א לא הכל שוין בזה.+

הלכה יח

כיצד תרנגולת העומדת לגדל ביצים ושור העומד לחרישה ויוני שובך ופירות העומדין לסחורה כל אלו וכיוצא בהן מוקצה הן ואסור לאכול מהן ביום טוב עד שיכין אותם מבערב ויחשוב עליהם לאכילה, אבל בשבת הכל מוכן אצל שבת ואינו צריך הכנה, וכשם שהמוקצה אסור ביום טוב כך הנוולד אסור.

הלכה יט

חול מכין לשבת וחול מכין ליום טוב אבל אין יום טוב מכין לשבת ולא שבת מכינה ליום טוב, לפיכך ביצה שנוולדה ביום טוב אחר השבת אסורה, ואע"פ שהתרנגולת עומדת לאכילה, הואיל ומאמש נגמרה הביצה נמצא שבת מכין אותה ליום טוב, ואסורה בכל יום טוב גזירה משום יום טוב שאחר שבת, וכן ביצה שנוולדה בכל שבת אסורה גזרה משום שבת שאחר יום טוב.

הלכה כ

וכשם שאסור לאכלה כך אסור לטלטלה ואפילו נתערבה באלף כולן אסורות שהרי למחר יותרו הכל וכל דבר שיש לו מתירין אפילו באלף אלפים אינו בטל, השוחט תרנגולת ביום טוב ומצא בה ביצים גמורות הרי אלו מותרות, שאין זה דבר מצוי תמיד ודבר שאינו מצוי אלא אקראי בעלמא לא גזרו בו.

הלכה כא

זה שאנו עושין בחוצה לארץ כל יום טוב מאלו שני ימים מנהג הוא, ויום טוב שני מדברי סופרים הוא ומדברים שנתחדשו בגלות, ואין עושין בני ארץ ישראל שני ימים טובים אלא בראש השנה בלבד, ובחלכות קידוש החדש מספר זה נבאר עיקר מנהג זה ומאי זה טעם עושין ראש השנה שני ימים בכל מקום.

הלכה כב

יום טוב שני אע"פ שהוא מדברי סופרים כל דבר שאסור בראשון אסור בשני, וכל המחלל יום טוב שני ואפילו של ראש השנה בין בדבר שהוא משום שבות בין במלאכה בין שיצא חוץ לתחום מכין אותו מכת מרדות או מנדין אותו אם לא יהיה מן התלמידים, וכשם שהראשון אסור בהספד ותענית וחייב בשמחה כך השני ואין ביניהן הפרש אלא לענין המת בלבד.

הלכה כג

כיצד המת ביום טוב ראשון יתעסקו בקבורתו הגוים וביום טוב שני יתעסקו בו ישראל, ועושין לו כל צרכיו כגון עשיית המטה ותפירת התכריכין וקציצת הבשמים וכל כיוצא בזה, שיום טוב שני לגבי המת כחול הוא חשוב ואפילו בשני ימים טובים של ראש השנה.

הלכה כד

שני ימים טובים אלו של גליות שתי קדושות הן ואינן כיום אחד לפיכך דבר שהיה מוקצה ביום טוב ראשון או שנוולד בראשון אם הכין אותו לשני הרי זה מותר. כיצד ביצה שנוולדה בראשון תאכל בשני, חייה ועוף שניצודו בראשון יאכלו בשני, דבר המחובר לקרקע שנעקר בראשון יאכל בשני, וכן מותר לכחול את העין ביום טוב שני ואע"פ שאין שם חולי. במה דברים אמורים בשני ימים טובים של גליות אבל שני ימים טובים של ראש השנה קדושה אחת הן וכיום אחד הן חשובים לכל אלו הדברים אלא לענין המת בלבד, אבל ביצה שנוולדה בראשון של ראש השנה אסורה בשני וכן כל כיוצא בזה. שבת הסמוכה ליום טוב ונוולדה ביצה באחד מהן אסורה בשני וכן כל כיוצא בביצה ואפילו נולדה ביום טוב שני לא תאכל בשבת הסמוכה לו.

*** נא לשמור על קדושת הגליון ***

הלכה א

יום טוב שחל להיות ערב שבת אין אופיין ומבשלין ביום טוב מה שהוא אוכל למחר בשבת, ואיסור זה מדברי סופרים כדי שלא יבא לבשל מיום טוב לחול, שקל וחומר הוא לשבת אינו מבשל כל שכן לחול, לפיכך אם עשה תבשיל מערב יום טוב שיהיה סומך עליו ומבשל ואופה ביום טוב לשבת הרי זה מותר, ותבשיל זה שסומך עליו הוא הנקרא עירובי תבשילין.

הלכה ב

ולמה נקרא שמו עירוב, שכשם שהעירוב שעושים בחצרות ובמבואות ערב שבת משום חכר כדי שלא יעלה על דעתם שמותר להוציא מרשות לרשות בשבת, כך זה התבשיל משום חכר וזכרון כדי שלא ידמו ויחשבו שמותר לאפות ביום טוב מה שאינו נאכל בו ביום, ולפיכך נקרא תבשיל זה עירובי תבשילין. +/השגת הראב"ד/ לפיכך נקרא תבשיל זה עירובי תבשילין. אי"א הטעם הזה לנערים כי הוא אומר כי הוא שאול מערובי חצירות כלומר זה משום היכר הוא וזה משום היכר הוא מה זה שמו עירוב אף זה שמו עירוב ואינו כן אלא שהוא מערב צרכי שבת על צרכי יו"ט לעשותם יחד. +

הלכה ג

עירובי תבשילין שיעורו אין פחות מכזית בין לאחד בין לאלפים, ואין עושין עירוב זה לא בפת ולא ברפיות וכיוצא בהן אלא בתבשיל שהוא פרפרת כגון בשר ודגים וביצים וכיוצא בהן, ואפילו עד שיש שבשולי קדרה ואפילו שמנונית שעל גבי הסכין שחותכין בה הצלי גורדו אם יש בו כזית סומך עליו משום עירובי תבשילין.

הלכה ד

תבשיל שאמרו לענין עירוב זה אפילו צלי אפילו שלוק אפילו כבוש או מעושן אפילו דגים קטנים שהדיחן במים חמין והדחתן היא בשולן לאכילה הרי זה סומך עליהן.

הלכה ה

וצריך שיהיה עירוב זה מצוי עד שיאפה כל שהוא צריך לאפות ויבשל כל שהוא צריך לבשל ויחם חמין כל שהוא צריך, ואם נאכל העירוב או אבד או נשרף קודם שיבשל או יאפה הרי זה אסור לאפות ולבשל או להחם אלא מה שהוא אוכל ביום טוב בלבד, התחיל בעיסתו או בתבשילו ונאכל העירוב או אבד הרי זה גומר. +/השגת הראב"ד/ הרי זה אסור לאפות ולבשל או להחם אלא מה שהוא אוכל ביו"ט בלבד. אי"א נ"ל שאם אפה ולא בישל או בישל ולא אפה ונאכל העירוב או אבד מה שעשה בעוד שהעירוב קיים מותר לו לשבת. +

הלכה ו

המניח עירובי תבשילין כדי שיסמוך עליהם הוא ואחרים צריך לזכות להן כדרך שמזכה בעירובי שבת, וכל שזוכה בעירובי שבת זוכה בעירובי תבשילין, וכל שאינו זוכה באותו עירוב אינו זוכה בזה.

הלכה ז

ואינו צריך להודיע לאלו שזכה להן מערב יום טוב, אבל הן צריכין לידע שכבר זכה להן אחר ועירב להן ואחר כך יסמכו עליו, יבשלו ויאפו, אף על פי שלא ידעו אלא ביום טוב הרי אלו מותרין, ויש לו לאדם לערב על כל העיר ועל כל הקרוב אליה בתוך התחום ולמחר מכריז ואומר כל מי שלא הניח עירובי תבשילין יסמוך על עירובי.

הלכה ח

המניח עירובי תבשילין חייב לברך, ברוך אתה ה' אלהינו מלך העולם אשר קדשנו במצותיו וצונו על מצות עירוב, ואומר בעירוב זה יותר לי לאפות ולבשל מיום טוב שלמחר לשבת, ואם זכה בו לאחרים אומר יותר לי ולפלוגי ולפלוגי או לאנשי העיר כולם לאפות ולבשל מיום טוב לשבת.

הלכה ט

מי שלא הניח עירובי תבשילין ולא הניחו לו אחרים, כשם שאסור לו לבשל ולאפות כך קמחו ומאכלו אסור, ואסור לאחר שהניח לעצמו לבשל ולאפות לזה שלא הניח עד שיקנה לו שנמצא זה מבשל ואופה שלו שהרי קנהו. ואם רצה יתן אחר כך לזה שלא הניח במתנה.

הלכה י

מי שלא הניח עירובי תבשילין ובשל ואפה לאכול בו ביום וחתיר או שזימן אורחים ולא באו הרי זה אוכל המותר למחר, ואם הערים הרי זה אסור לאכול, עבר ואפה ובשל לשבת אין אוסרין עליו, ולמה החמירו ואסרו על המערים ולא אסרו על המזיד שאם תתיר למערים נמצאו הכל מערימין וישתקע שם עירובי תבשילין, אבל המזיד אינו מצוי ואם עבר היום לא יעבור פעם אחרת.

הלכה יא

שני ימים טובים שחלו להיות בחמישי וערב שבת עושה עירובי תבשילין מיום רביעי שהוא ערב יום טוב, שכח ולא הניח מניחו בראשון ומתנת, כיצד מניח עירובי תבשילין ביום חמישי ואומר אם היום יום טוב ולמחר חול למחר אבשל ואפה לשבת ואיני צריך כלום ואם היום חול ולמחר יום טוב בעירוב זה יותר לי לאפות ולבשל למחר מיום טוב לשבת.

הלכה יב

כיוצא בו היו לפניו שתי כלכלות של טבל ביום טוב ראשון אומר אם היום חול תהיה זו תרומה על זו ואם היום קדש אין בדברי כלום, וקורא עליה שם ומניחה, ולמחר בשני חוזר ואומר אם היום קדש אין בדברי כלום ואם היום חול תהיה זו תרומה על זו וקורא עליה שם ומניחה כדרך שקרא עליה בראשון, ומניח את זו שקרא עליה שם תרומה ואוכל את השנייה.

הלכה יג

במה דברים אמורים בשני ימים טובים של גליות אבל בשני ימים טובים של ראש השנה אם שכח ולא הניח ביום רביעי שוב אינו מניח אלא סומך על אחרים אם עירבו עליו או מקנה קמחו למי שעירב או יהיה אסור לאפות ולבשל לשבת, וכן אם שכח ולא הפריש תרומה מיום רביעי שוב אינו מפריש עד מוצאי שבת.

הלכה יד

כל הדברים האלו שאמרנו היו בזמן שהיו בית דין של ארץ ישראל מקדשין על פי הראיה והיו בני הגליות עושין שני ימים כדי להסתלק מן הספק לפי שלא היו יודעין יום שקדשו בו בני ארץ ישראל, אבל היום שבני ארץ ישראל סומכין על החשבון ומקדשין עליו אין יום טוב שני להסתלק מן הספק אלא מנהג בלבד.

הלכה טו

ולפיכך אני אומר שאין מערב אדם ומתנה בזמן הזה לא עירובי תבשילין ולא עירובי חצרות ולא שתופי מבואות ואינו מעשר הטבל על תנאי אלא הכל מערב יום טוב בלבד. /השגת הראב"ד/ ולפיכך אני אומר שאין מערב אדם ומתנה בזמן הזה. איא אע"פ שיש בדבריו כעין טעם לא ראינו הגאונים הראשונים שחלקו בדבר זה וכל שכן הוא שהרי השני עתה חול גמור הוא שהרי אדר ואייר ואלול חסרים הם ואינן אלא יום אחד ראשי חדשים הסמוכין להם ואם יאמר בשני אם אתמול קדש והיום חול אין בדברי של אתמול כלום והיום תהיה זו תרומה על זו כל שכן שיכול לומר (מאתמול), [שהמעשה אינו נגמר אלא בשני ודברו בראשון לא יעשה כלום].+

הלכה טז

כשם שמצוה לכבד שבת ולענגה כך כל ימים טובים שנאמר +ישעיהו נ"ח+ לקדוש ה' מכובד וכל ימים טובים נאמר בהן +ויקרא כ"ג+ מקרא קדש, וכבר בארנו הכיבוד והענינוג בהלכות שבת, וכן ראוי לאדם שלא יסעוד בערבי ימים טובים מן המנחה ולמעלה כערב שבת שדבר זה בכלל הכבוד, וכל המבזה את המועדות כאילו נטפל לעבודה זרה.

הלכה יז

שבעת ימי הפסח ושמונת ימי החג עם שאר ימים טובים כולם אסורים בהספד ותענית, וחייב אדם להיות בהן שמח וטוב לב הוא ובניו ואשתו ובני ביתו וכל הנלוים עליו שנאמר +דברים ט"ז+ ושמחת בחגך וגו', אף על פי שהשמחה האמורה כאן היא קרבן שלמים כמו שאנו מבארין בהלכות חגיגה יש בכלל אותה שמחה לשמוח הוא ובניו ובני ביתו כל אחד ואחד כראוי לו.

הלכה יח

כיצד הקטנים נותן להם קליות ואגוזים ומגדנות, והנשים קונה להן בגדים ותכשיטין נאים כפי ממונו, והאנשים אוכלין בשר ושותין יין שאין שמחה אלא בבשר ואין שמחה אלא ביין, וכשהוא אוכל ושותה חייב להאכיל +דברים ט"ז+ לגר ליתום ולאלמנה עם שאר העניים האמללים, אבל מי שנועל דלתות הצרו ואוכל ושותה הוא ובניו ואשתו ואינו מאכיל ומשקה לעניים ולמרי נפש אין זו שמחת מצוה אלא שמחת כריסו, ועל אלו נאמר +הושע ט"ז+ זבחהם כלחם אונים להם כל אוכליו יטמאו כי לחמם לנפשם, ושמחה כזו קלון היא להם שנאמר +מלאכי ב' + וזריתי פרש על פניכם פרש חניכם.

הלכה יט

אע"פ שאכילה ושתייה במועדות בכלל מצות עשה, לא יהיה אוכל ושותה כל היום כולו, אלא כך היא הדת, בבקר משכימין כל העם לבתי כנסיות ולבתי מדרשות ומתפללין וקורין בתורה בענין היום וחוזרין לבתיהם ואוכלין, והולכין לבתי מדרשות קורין ושונין עד חצי היום, ואחר חצי היום מתפללין תפלת המנחה וחוזרין לבתיהן לאכול ולשתות שאר היום עד הלילה.

הלכה כ

כשאדם אוכל ושותה ושמה ברגל לא ימשך ביין ובשחוק ובקלות ראש ויאמר שכל מי שיוסיף בזה ירבה במצות שמחה, שהשכרות והשחוק הרבה וקלות הראש אינה שמחה אלא הוללות וסכלות ולא נצטוינו על ההוללות והסכלות אלא על השמחה שיש בה עבודה יוצר הכל שנאמר +דברים כ"ח+ תחת אשר לא עבדת את ה' אלהיך בשמחה ובטוב לבב (מרב כל) הא למדת שהעבודה בשמחה, ואי אפשר לעבוד את השם לא מתוך שחוק ולא מתוך קלות ראש ולא מתוך שכרות.

הלכה כא

חייבין בית דין להעמיד שוטרים ברגלים שיהיו מסבבין ומחפשיין בגנות ובפרדסים ועל הנהרות כדי שלא יתקבצו לאכול ולשתות שם אנשים ונשים ויבואו לידי עבירה, וכן יזהירו בדבר זה לכל העם כדי שלא יתערבו אנשים ונשים בבתיהם לשמחה, ולא ימשכו ביין שמא יבואו לידי עבירה.

הלכה כב

ימים שבין ראשון ושביעי של פסח וראשון ושמיני של חג הסוכות והן בגולה ארבעה בתוך הפסח וחמשה בתוך החג הם הנקראין חולו של מועד ונקראין מועד, ואע"פ שהם חייבין בשמחה ואסורין בהספד ותענית מותר לספור בהן תלמיד חכמים בפניו, אבל לאחר שיקבר אסור לספור בהן, ואין צריך לומר בראשי חדשים בחנוכה ובפורים שסופדין בהן תלמיד חכמים בפניו, אף על פי שימים אלו אסורין בהספד ותענית, אבל לאחר קבורה אסור לספור בהן. /השגת הראב"ד/ אבל לאחר קבורה אסור לספור בהם. א"א ויום שמועה כבפניו דמי. +

הלכה כג

אין מניחין מטת המת ברחוב במועד שלא להרגיל את ההספד אלא מביתו לקברו, ואין מתאבלין במועד, וכן אין קורעין ולא מברין ולא חולצין הכתף במועד על המת אלא קרוביו שהן חייבין להתאבל עליו, ואם היה חכם או אדם כשר או שהיה עומד עליו בשעת נטילת נשמה הרי זה קורע עליו במועד אף על פי שאינו קרובו, ואין קורעין ביום טוב שני כלל ואפילו קרוביו של מת.

הלכה כד

נשים במועד בפני המת מענות אבל לא מטפחות ולא מקוננות, נקבר המת אינן מענות, בראשי חדשים וחנוכה ופורים בפני המת מענות ומטפחות אבל לא מקוננות, אי זהו ענוי שכולו עונות כאחת, קינה אחת אומרת וכולן עונות, ואסור לאדם שיעורר על מתו קודם לרגל שלשים יום כדי שלא יבא הרגל והוא נעצב ולבו דואג וכואב מזכרון הצער אלא יסיר הדאגה מלבו ויכוין דעתו לשמחה.

יוסף דוב הלוי סולוביטשיק
JOSEPH SOLOVEITCHIK
142 HOMESTEAD STREET
ROXBURY 21, MASS.

אור ליום שני, מעלי ריש שחא, תשט"ו

כבוד ידידי, הרב הגאון הגדול, גפן אדרת לישראל תפארת, מוה"ר מ. דובער ריבקיין, שליט"א;
שלום וברכה!

קבלתי את אגרתו. אני נחפז להודקק אליה, כי כל מקום שיד הולך רכיל באמצע זריזים מקדימים
ליישר את העקמומיות ולפענח את האמת. היטב חרה לי, כי בעשים של דברים מסורסים ומסולפיים
חלשה דעתו של מעכ"ג. פלוני אלמוני מסר לו רק מקצת שיחה וחצי דבר. מעשה שהיה כך היה.
כספרו בא לידי הקדשה לו הרבה זמן ועיינתי בכולו-דבר היוצא מגדר הרגלי- בכוכד ראש.
התענינותי בפרי עטו של כת"ר נזקפת על שלשה נימוקים. א. כבד אכבדהו מאד וכל אשר יכתוב
אקרא בתשומת לב. ב. חיבה יתרה הנני רוחש לתנועת חב"ד. מדי דברי בה זכר אזכרנה כחזון
נעורים, רצוף רשמי ילדות חמיטה, שופת הוד רומנטי. עוד מרחפים לפני דמויות פשרי אכאליזות,
עשורי תפארת קדומים. הנה דיוקן מלמדי, ר' ברוך יעקב ריסברג, ז"ל, לפני. עוד אני רואה
את ארשה פניו, שהפיקה פכחון לב ופפחות עין וגם דמיון ומעוף. עד היום הזה אני שומע
את קולו בדממת בין השמשות נוגה ורווי עצב וגעגועים, ודבריו בוקעים מתוך המרחק דברים
מלאי התלהבות והתפעלות על דבר שכתו בליבו וישש בנערותו. עוד אני נושא בנבכי נפשי
את דמות הרבי הזקן שהביטה עלינו, תינוקות של בית רבם, מכחלי החדר המסוידים פאזותה הדמות,
בעלה המצח הרחב, שליט השכל, והעיניים הגדולות המציצות במרחבי י-ה אין קץ, רתוקי חזון
פלאים. הזקן היורד על פי מדותיו קסם אותנו, ילדים קטנים, בהדרתו וסודיותו. עוד עיני
רואות את חסונתו של הצמח צדק, לבוש לבנים, שגתגלגלה בפנסיה הילדותית שלנו כדמות כחן
גדול היוצא מבית קדש הקדשים. עוד אזני קולטות צלילים מוזרים אבל גם מלבכים ומושכים
את הלב, ניבכים מקושעים, מלרם מפורזות שיצאו מפי הקוזרים" כערבי החורף הארוכים לאור נר
כהח על דבר אורות מקיפים ואורות חוזרים, העלם וגילוי, אהבה פנימית והנפש לישראלית אשר
מכסא הכבוד חוצבה. ועוד אני חולם ואני רואה את זקני החסידים המרקדים בקצב מהיר כליל
שמיני עצרת סחור סחור לאבא מרי, ז"ל. רשמים מעין אלה לא ימחו מקרב לבי, והמה משורשים
עמוק, עמוק, במסתרי הווייתי. לפיכך כל הנכתב על חנועה גדולה זו מענין אותי מאד, מאד.
ג. חיבורו רחוק אותי בשל אופיו היחודי. מצאתי בו מיווג פרדוכסלי של שכליות ואימוציונליות,
שני מינים שאינם מתמזגים, על פי רוב. יפה, יפה. מצד אחד מצאתי בו הגיון הלכתי חד וחלק,
הערות נאות ומדויקות המבוססות על ניתוח דק. מעכ"ג קולע בהן אל גקודת המקד של כל בעיה
ובעיה. במלה אחת, פגעי בלוטדות מבית מדרשם של חכמי ליטא, עידיה דעידית. מצד שני
בתלהכות חסידית, בהתרצשות אימוציונלית ובהתמכרות כנה ונאמנה לגדולי החסידות המגיעות

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לדרגת אמונת צדיקים פשוטה וחזקה כחלמיש צור. כמושב חברים ותלמידים דנתי על חזיון זה; ספרתי בשבחי של ספרו וגם על אודת אופיו המופלא. דיקנות חלכתית ולבכיות חסידית עולות בקנה אחד. לראיה ולדוגמא על השניות השוררת בחיבורו צטטתי את דבריו ביחס לשומ- את כהנים בקברי צדיקים. אמרתי באותה חבורה, כי בעל החלכה נאכץ קשה עם תחסיד הנאמן. הראשון יודע הישב, כי קבר מטמא, בלי שום חבדל של מי הוא הקבר, אין מקום כאן לסנשימנ- שליות ולרגשי הערצה. אבל איש החסידות רוצה להקל בזה. כמדומני, שהדגשתי אז, כי כת"ר בעצרתו מביע את השחוממותו על מנהג השתחוות כהנים על קברי צדיקים, אך בכל זאת הוא מבין וגם מרגיש את הדחף האימוצינונלי שאביאם לידי כך. המוח והלב מתרוצצים, נמחבר מודה כשניהם. יאמן לי יידידי כי פילוג כזה- מחשבת ורגש- ירד גם לאישיותי. (למעשים הנני נוטה להאזין להמית לבי. נראה ש' אביגיל ג' נורה ג')

לא יכלתי לדאבוני לעיין בקונטרסו בהוגן. שרדתי לפני ימי תחסד והרחמים השחרגה עלי, ועוד חזון למועד. מובטחני, כי כל מה שיוצא מתחת קולמסו של גברא רבא כמותיה הוא דבר מתוקן ונאה.

יקבל נא את ברכתי להתחדשות השנה. יכתב ויחתם בספר הצדיקים לאלתר לשנת חיים ושלוש וכל טוב. לשנה הבאה נזכח כולנו לקיים בחצוצרות וקול שופר הריעו לפני המלך ה'."

ידידו, סוקירו ומכבדו, יוסף סלוביטצ'יק

גדלת נאק אדגת חזנתו הם האלף, אלהאן שוין, שאו. וקנול ברית השנים,